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PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

SESSION OF 1860-'61:

TOGETHER WITH THE COMPTROLLER'S STATEMENT OF PUBLIC
REVENUE AND EXPENDITURE.

RALEIGH:

JOHN SPELMAN, PRINTER TO THE STATE.

1861.



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174
r.

PUBLIC LAWS
OF
NORTH-CAROLINA.
1860-'61.

AGRICULTURE.

AN ACT TO AMEND REVISED CODE, CHAPTER TWO, ENTITLED *Chap. 1.*
"AGRICULTURE AND GEOLOGY."

Be it enacted by the General Assembly of the State of ^{Powers granted} *North-Carolina, and it is hereby enacted by the authority of the same, That the North-Carolina Agricultural Society are hereby authorized to rescind, alter or modify any of the rules, articles of association, by-laws or ordinances which existed before said society was incorporated by the legislature, to the end that it may improve its organization and be empowered to adapt its operations to the great and useful purposes of its institution. [Ratified the 23d day of February, 1861.]*

ASYLUMS.

AN ACT TO COMPLETE THE BUILDINGS OF THE NORTH CAROLINA *Chap. 2.*
INSTITUTION FOR THE DEAF AND DUMB AND THE BLIND, AND
OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Appropriates} *State of North-Carolina, and it is hereby enacted by the* ^{\$2,000.} *authority of the same, That the sum of two thousand dol-*

lars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of finishing the buildings and other improvements authorized to be created [erected,] and made by an act of the General Assembly, passed at the session of 1858-'59, entitled an act to enlarge and improve the buildings of the asylum of the deaf and dumb and the blind, and for other purposes, and that the president of the board of directors be authorized and empowered to draw upon the public treasurer for the same, which sum shall [be] expended under the supervision of the directors in the completion of the improvements already begun in the building of the institution; *Provided, however,* That not more than one thousand dollars shall be called for in any period of three months.

Appropriates
\$100.

SEC. 2. *Be it further enacted,* That the sum of one hundred dollars be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purchase of books for the use of the institution, and that the president of the board of directors be authorized to draw upon the public treasurer for the same, and when drawn it shall be expended under direction of the president of the board of directors and the principal of the institution in the purchase of suitable books for the institution.

Appropriates
\$900.

SEC. 3. *Be it further enacted,* That the sum of nine hundred dollars be and the same is hereby appropriated out of any money in the public treasury not otherwise appropriated, for the purpose of enabling the board of directors of the said institution, to establish, in connection with the institution, a department for teaching a portion of the pupils the trade of book binding, which sum the president of the board of directors is hereby authorized to draw from the public treasury, when the board of directors shall have established the said department, and shall direct the same to be drawn.

Registration of
Deaf Mut. and
Blind Children.

SEC. 4. *Be it further enacted,* That it shall be the duty of the district committees of common schools in each county to report to the chairman of the board of super-

intendents of common schools for their county, the number of deaf mutes and blind children between the ages of five and twenty-one.

SEC. 5. *Be it further enacted*, That it shall be the duty of the chairman of the board of superintendants of common schools for each county, to report to the principal of the institution for the deaf and dumb and the blind, on or before the first day of September in each and every year, the number of deaf mutes and blind children in his county, between the ages of five and twenty-one years, and that the said chairman shall procure and furnish all indigent deaf mutes and blind children who are entitled to receive the same, the certificate now required by law to entitle them to admission into the institution as State pupils. Report to be made.

SEC. 6. *Be it further enacted*, That the principal of the institution for the deaf and dumb and the blind be required to furnish to the chairman of the board of superintendants of each county such blanks as may be necessary for the above purpose. Blanks to be furnished.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

AN ACT CONCERNING THE INSANE ASYLUM OF NORTH CAROLINA. *Chap. 3.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the public treasurer of the State be and he is hereby authorized and required to pay to the order of the executive committee for the insane asylum, out of any money in the treasury not otherwise appropriated, such sums of money from time to time during the years 1861 and 1862 as may be necessary for the support and maintenance of the asylum during the years aforesaid; *Provided*, That the aggregate amount for each year shall not exceed the sum of twenty-five thousand dollars, (\$25,000.) Appropriation

For enclosure.

SEC. 2. *Be it further enacted*, That the sum of five thousand dollars is hereby appropriated for the sole and exclusive purpose of erecting a wall around the lands of the asylum—this amount shall be paid to the order of the directors of the asylum by the State treasurer in bonds of the State, payable thirty years after date, and taken at their par value, and the treasurer of the State is hereby authorized and required to issue the bonds of the State, coupons attached to their amount.

Unexpended
balance.

SEC. 3. *Be it further enacted*, That the directors are hereby authorized to draw out of the public treasury an unexpended balance of five thousand dollars of last year's appropriation, and this sum, together with the similar sum proposed to be raised by the 2d section of this act, shall be added to the sum of ten thousand dollars, (\$10,000) now in the hands of the directors, and this whole amount of twenty thousand dollars shall be devoted to the sole and exclusive purpose of building such a wall as it will pay for on the west side of the main building, according to the provisions of the act of 1858 and 1859, sec. 10, chap. 2d.

Failure of con-
tracts to pay.

SEC. 4. *Be it further enacted*, That if any county shall fail for the space of one year after the same is due, to pay the amount required by law for the support of its indigent insane, the president and directors of the literary fund of North Carolina shall direct out of the shares of such county in the common school fund next to be distributed the amount thereof, and pay the same to the public treasurer; *Provided*, That nothing herein contained shall be construed into a repeal of any law now in force for the collection of such sum from the justices of the said county, and if such sum shall afterwards be collected and paid, it shall be added to the school fund due said county for the next year; *Provided, further*, That it shall be the duty of the superintendant to notify the public treasurer of all delinquencies, and the treasurer shall thereupon draw the amount from the literary fund as above said [stated.]

Powers of Di-
rectors, &c.

SEC. 5. *Be it further enacted*, That the board of directors, in conjunction with superintendant, are hereby

authorized to expend an amount not exceeding eighteen hundred dollars in buying books, making constructions, and improving the grounds in front of the building, as suggested in the report of the committee on the insane asylum, made to this present General Assembly; *Provided*, That this amount shall exist as a surplus in the hands of the treasurer of the asylum over and above the required amount to support the institution during the years 1861 and 1862.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

BANKS.

AN ACT FOR THE RELIEF OF THE BANKS AND THE PEOPLE.

Chap. 4.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all laws, and parts of laws, imposing any penalty or penalties, forfeiture or forfeitures, in any manner or form whatever upon the banks of this State or any of them, in case of a failure by them, or either of them, to redeem their notes, or discharge their other liabilities in specie, be and the same are hereby suspended in their operation until the General Assembly shall otherwise direct; *Provided*, that said banks, or any of them, while in a state of suspension, shall not curtail the aggregate amount of their discount.

Be it further enacted, That this act be in force from and immediately after its ratification. [*Ratified the 24th day of November, 1860.*]

AN ACT TO REPAY THE BANKS MONEYS IMPROPERLY COLLECTED FROM THEM.

Chap. 5:

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the public treasurer be and is

hereby directed to pay to the several banks of this State all sums of money collected by him improperly from the aforesaid banks, under the act passed 2nd February, 1857, out of any moneys that may be in the treasury not otherwise appropriated.

SEC. 2. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 29th day of January, 1861.*]

COUNTIES.

Chap. 6. AN ACT TO LAY OFF AND ESTABLISH A NEW COUNTY BY THE NAME OF CLAY.

Limits.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a new county is hereby laid off and established, to be formed out of a portion of Cherokee county, bounded as follows: beginning at the south-east corner of Cherokee county on the Georgia line, thence to run in a northern direction along the top of the Chunky Gal mountain with the Macon line, between Shooting creek and Nantahala river to the top of the highest mountain, between Fiar's creek and Valley river; thence in a south-west direction along the top of the highest mountain, between Fiar's creek and peach tree to the Hiwassee river at the old missionary mill shoal, thence across the Hiwassee river, thence a southward direction, so as to strike the point of the ridge that divides the waters of little Brasstown creek and big Brasstown creek, then southward to the point of the ridge, thence along the highest point of the ridge between little Brasstown and pine log to the Georgia line, thence east with the Georgia line to the beginning.

Powers.

SEC. 2. *Be it further enacted*, That the said county of Clay be and is hereby invested with all the rights and immunities of the other counties in this State, except a member

in the House of Commons, which is not to be allowed until the next apportionment in the year 1872.

SEC. 3. *Be it further enacted*, That the citizens included Liabilities. in the proposed new county shall pay their proportionable part of the debts now contracted, and owing by the county of Cherokee.

SEC. 4. *Be it further enacted*, That all the moneys here- School Fund. after due to Cherokee county for common school purposes shall, after the organization of Clay county, be divided between the counties of Clay and Cherokee, according to the federal population in each county, any law to the contrary notwithstanding. [*Ratified the 20th day of February, 1861.*]

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT Chap. 7.
SESSION OF THE LEGISLATURE ENTITLED "AN ACT TO ESTABLISH
THE COUNTY OF CLAY."

SECTION 1. *Be it enacted by the General Assembly of the* Powers.
State of North Carolina, and it is hereby enacted by the
authority of the same, That the county of Clay shall be
and is hereby invested with all the rights, privileges and
immunities of the other counties in this State, except as
hereinafter provided.

SEC. 2. *Be it further enacted*, That the justices of the Justices, &c.
peace and officers of militia, who reside within the limits
of the county of Clay shall continue to hold and exercise
all the official powers and authorities in and for said
county, that they have hitherto held and exercised in the
county of Cherokee.

SEC. 3. *Be it further enacted*, That the constables now Constables.
residing in the county of Clay shall continue to hold their
offices and perform all duties appertaining thereto, until
the first term of the court of pleas and quarter sessions
to be held for said county, under the same rules, regula-
tions and penalties as constables are subject to in other
counties of this State.

Representation

SEC. 4. *Be it further enacted*, That the counties of Cherokee and Clay shall continue to be represented in the General Assembly as heretofore, and in the name of Cherokee County until the legislature, at a future session, shall otherwise direct, and all elections for members of Congress and both branches of the General Assembly shall be held by the Sheriff or other returning officers of the county of Cherokee at the time and places, and under the same rules, regulations and restrictions as have been appointed, or hereafter may be appointed by law, and the certificate of said sheriff or other returning officer to the result of such elections shall be valid and effectual to all intents and purposes, as if the act establishing the county of Clay had never been passed.

Courts, when held.

SEC. 5. *Be it further enacted*, That a court of pleas and quarter sessions shall be held and the same is hereby established in and for said county of Clay, to be held by the justices of the peace of said county; the first term of said court to be held on the last Monday in May, the second on the last Monday in August, and the third on the last Monday in November, and regularly thereafter; the terms of said court shall be held on the last Mondays in February, May, August and November, in each and every year, and the first term of said court shall be held at the Methodist church near Fort Hembree in said county, and thereafter at such place in said county as the court may direct, until a court house shall be built in said county, and the seat of justice in and for said county shall be located; and at the first term of said court a majority of the acting justices of the peace being present, they shall elect a clerk for said court, a sheriff, coroner, register, entry taker, surveyor, constable and all other officers for said county, who shall enter into bonds as now required by law, and shall continue in office until successors to them are duly chosen and qualified according to the acts of the General Assembly in such case made and provided.

Jurisdiction.

SEC. 6. *Be it further enacted*, That the court of pleas and quarter sessions established by this act shall possess and exercise the same powers, authority and jurisdiction

as are possessed and exercised by other courts of pleas and quarter sessions in this State, and shall have exclusive jurisdiction of all crimes committed within the county of Clay, of which the courts of pleas and quarter sessions of other counties in this State have jurisdiction, and all suits at law now pending in the court of pleas and quarter sessions of Cherokee county wherein the citizens of Clay county are both plaintiffs and defendants, and all indictments in said last named court against the citizens of Clay county, shall be transferred to the court of pleas and quarter sessions of Clay county in the manner now provided for transferring suits from one county to another.

SEC. 7. *Be it further enacted*, That all criminal offences which may be committed in said county of Clay which are cognizable only in the superior courts, shall be and continue under the jurisdiction of the superior court of said county of Cherokee until a superior court shall be established in and for said county of Clay. Criminal offences

SEC. 8. *Be it further enacted*, That until a superior court shall be established for said county of Clay, the citizens of said county of Clay may sue and be sued in the superior court of Cherokee county as they might have sued and might have been sued before the passage of this act, and all appeals from the judgments, orders and decrees of said court of pleas and quarter sessions of Clay county shall be taken to the superior court of Cherokee county in the same manner as now provided by law for appeals from the county to the superior courts in this State, until a superior court shall be established for said county of Clay. Civil suits in Superior Courts.

SEC. 9. *Be it further enacted*, That all persons who may be liable to imprisonment under any process, either criminal or civil, in Clay county, before the completion of a public jail in said county, shall be committed to the jail of Cherokee county. Imprisonment.

SEC. 10. *Be it further enacted*, That at the first term of the court of pleas and quarter sessions in said county of Clay, the justices of the peace holding said court shall appoint one or more suitable persons to make a survey and plat of said county of Clay, he or they first taking an Survey and plat.

oath before some acting justice of the peace for the faithful discharge of his duty.

County site.

SEC. 11. *Be it further enacted*, That Burton K. Dickey, William Walker, Drury Weeks, Plessent Henry and C. T. Rodgers, of the county of Cherokee, be and they are hereby appointed commissioners to select and determine a site for the permanent seat of justice for said county, and they shall locate the same as nearly as may be at the centre of said county, having in view the convenience and interest of the people of the county, and all or a majority of said commissioners shall have power to act. And when they shall have located said seat of justice, then it shall be the duty of Ezekiel Brown, James Coleman, R. B. Chambers, Will. M. Sanderson, George Bristol and John H. Johnston, or a majority of them, to purchase or receive by donation for the county of Clay, a tract of land consisting of not less than twenty-five acres, to be conveyed to the chairman of the court of pleas and quarter sessions of said county and his successors in office, which land when so purchased or donated, shall be deemed to be held by said chairman and his successors absolutely in fee simple for said county of Clay, upon which tract of land a town shall be laid off and called "Hayesville," where the court house and jail shall be erected, and where, after the completion of the court house, the courts of said county shall be held, and the clerk's, register's and entry taker's offices shall be kept.

Failure of Commissioners to act.

SEC. 12. *Be it further enacted*, That in case any of said commissioners shall fail to act for any cause, the court of pleas and quarter sessions shall, at the first or any subsequent term of said court, a majority of the justices of the peace of said county being present, proceed to fill such vacancy, and if either class of said commissioners shall fail to agree, and be equally divided in opinion as to any matter they may have in charge, they, or a majority of them shall have power to choose an umpire, whose decision shall be final, and said county court shall make such allowance to said commissioners for their services as it may deem just and proper.

SEC. 13. *Be it further enacted*, That as soon as the said Court House. county site is fixed, the county court may cause to be erected thereon a temporary court house in which the courts of said county shall be held until the permanent court house is finished.

SEC. 14. *Be it further enacted*, That said commissioners Town Lots to be sold. appointed to purchase or receive by donation a tract of land for the county of Clay, shall lay off the lots of said town of "Hayesville," and after designating such as shall be retained for public uses, shall expose, after due notice, the residue to sale by public auction, upon a credit of one, two or three years, and shall take from the purchasers bond and security for the purchase money, payable to the chairman of the court of pleas and quarter sessions, and his successors in office; and upon the payment of the purchase money, the chairman of said court, or his successor in office, shall execute title therefor, and the deed made by said chairman shall be deemed and held to convey the absolute fee simple title to such lot or lots to the purchasers, and the money arising from the sale of said lots shall be applied to the building of a court house and jail.

SEC. 15. *Be it further enacted*, That nothing in this act Sheriff to collect moneys. shall be so construed as to prohibit or prevent the sheriff of Cherokee county from collecting such moneys as are due, or may become due, on any judgment before the first term of the court of pleas and quarter sessions for said county of Clay shall be held.

SEC. 16. *Be it further enacted*, That the court of pleas and quarter sessions shall at its first or any subsequent term, appoint three commissioners who shall have full power to contract for the building of a suitable court house and jail for said county, to be constructed of brick or stone, and of such size and dimensions, and upon such plan as said commissioners shall determine upon, they being required to take bond and approved security from the contractors for the faithful execution of the work, and when said buildings are completed, and received by said commissioners, they shall apply the proceeds of the sale Commissioners to build Court House.

of said town lots, or so much thereof as may be necessary, to the payment of the debt created for the same, and if the proceeds of the sale of said lots shall be insufficient to pay said debt, it shall be the duty of the court of pleas and quarter sessions to levy a tax as in other cases, to make up such deficiency; *Provided, nevertheless*, That said commissioners, if they deem it proper so to do, may, as the work progresses in the construction of said court house and jail, advance to the contractors a portion of the price agreed upon.

Arrearages of
Taxes.

SEC. 17. *Be it further enacted*, That this act shall not be so construed as to prevent the sheriff or tax collector of Cherokee county from collecting any arrears of taxes that such officer could have collected before the passage of this act, or any taxes that may be levied before the organization of said county of Clay.

SEC. 18. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

Chap. 8.

AN ACT TO LAY OFF AND ESTABLISH A NEW COUNTY BY THE NAME OF MITCHELL.

Limits.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a county by the name of Mitchell shall be and the same is hereby laid off and established out of portions of Yancey, Watauga, Caldwell, Burke and McDowell counties with the following boundaries: beginning at the top of Grandfather mountain, thence with the top of the Blue Ridge to the Bear Wal-low Gap, thence to the Three Knobs, thence to Big Crabtree creek, thence down said creek to Toe river, thence down said river to the Tennessee line, thence with the Tennessee line to Elk river, thence to place of beginning; and the said county of Mitchell, when it is laid off and established, shall be, and it is hereby, invested with all the rights, privileges and immunities with the other counties in this State. [*Ratified the 16th day of February, 1861.*]

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SES- *Chap. 9.*
SION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO LAY
OFF AND ESTABLISH A NEW COUNTY BY THE NAME OF MITCHELL."

SECTION 1. *Be it enacted by the General Assembly of the* Powers.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That the county of Mitchell shall
be and is hereby invested with all the rights of the other
counties of this State, except as is hereafter provided.

SEC. 2. *Be it further enacted,* That all the justices of the Justices of the
peace and officers of the militia, and constables who reside Peace, Militia
within the limits of the county of Mitchell shall continue officers and
to hold and exercise all the official powers and authorities Constables.
in and for said county that they have heretofore held and
exercised in and for the counties of Yancey, McDowell,
Caldwell, Burke and Watanga, respectively; *Provided,*
That the authority given by this act to constables shall
cease and determine at the first county court to be held for
said county of Mitchell, under the same penalties and
liabilities as they are now subjected to by law in other
counties in this State.

SEC. 3. *Be it further enacted,* That the counties of Yan- Representation.
cey, Watauga, McDowell, Burke and Caldwell shall con-
tinue to be represented in the General Assembly as they
have heretofore been, and that all qualified voters taken
from said counties, shall continue to vote with the coun-
ties to which they have heretofore been attached, until it
shall be otherwise provided by law, and elections shall
be held until the first session of the General Assembly
which shall be had hereafter for members of both houses
of the General Assembly and for Congress, by the sheriff
or other returning officers of Yancey, Watauga, Caldwell,
Burke and McDowell counties, in all the territory hereto-
fore comprised in said counties, at the times and places,
and under the same rules, regulations and restrictions as
have been made or may hereafter be made by law, and the
certificates of said sheriff or other returning officer to the
result of said elections, shall be as valid to all purposes as
if the county of Mitchell had never been established.

Court of Pleas
and Quarter
Sessions.

SEC. 4. *Be it further enacted*, That a court of pleas and quarter sessions shall be held, and the same is hereby established in and for the county of Mitchell, to be held by the justices for said county on the tenth Monday after the fourth Monday in March, June, September and December; the first session of which shall be held at the house of Eben Childs, on the tenth Monday after the fourth Monday in March, when the court aforesaid, a majority of the justices being present, shall elect a clerk, a sheriff, a coroner, a register and entry taker, a surveyor or surveyors, county solicitor, constables and all other officers for said county, who shall enter into bonds, as required by law, and shall hold and continue in said offices until successors to them are duly chosen and qualified according to the acts of the General Assembly in such cases made and provided; and the said court at the first session may appoint the place of its future sessions until a court house shall be erected for said county.

Possess same
powers with
other County
Courts;

SEC. 5. *Be it further enacted*, That the court of pleas and quarter sessions established by this act, shall possess the same power, authority and jurisdiction as is possessed and exercised by other county courts in this State, and shall have exclusive jurisdiction of all crimes committed in the county of Mitchell, of which other county courts in the State have jurisdiction, until a superior court of law is established for said county; and all suits of law now pending in the county courts of said counties against the citizens of Mitchell county shall be transferred to the county court of Mitchell county, in the manner that suits are now transferred from one county to another, and all appeals from the county courts of Mitchell shall be sent to the superior courts of Yancey or Watauga, at the discretion of the courts of pleas and quarter sessions for said county of Mitchell.

Superior Court
cases tried in
Counties from
which made
until Superior
Courts estab-
lished for Mitchell.

SEC. 6. *Be it further enacted*, That all criminal offences which may be committed in the county of Mitchell, which are cognizable in the superior courts of law only, shall be and continue under the jurisdiction of Yancey, McDowell, Watauga, Burke and Caldwell, as if the act erecting the

county of Mitchell had never been passed, until a superior court shall be established for the county of Mitchell.

SEC. 7. *Be it further enacted*, That all persons who may be liable to imprisonment under any process, civil or criminal, in Mitchell county, before the completion of the jail therein, may be committed to the jails of Caldwell, Burke, Yancey, McDowell or Watauga counties. Jails to which prisoners to be committed.

SEC. 8. *Be it further enacted*, That all process issued from the superior courts of Yancey, McDowell, Burke, Caldwell or Watauga counties, against any of the citizens of Mitchell, shall be valid without the seal of office aforesaid until a superior court is erected for Mitchell county, and all process so issued after the tenth Monday after the fourth Monday in March next, shall be directed to and executed by the sheriff of Mitchell county. Superior Court process.

SEC. 9. *Be it further enacted*, That Thomas Farthing, of the county of Watauga, John W. McElroy, of Yancey, Joseph Conley, of the county of McDowell, and Alonzo C. Avery, of the county of Burke, and David Proffitt, of the county of Yancey, John Harden, of Watauga, and James Bailey, sen., of Yancey county, be and they are hereby appointed commissioners to select and determine upon a permanent seat of justice in said county, who shall locate the same at such place as they may think best and most convenient to a majority of the citizens of said county, taking into consideration also the extent of territory; and said commissioners are authorized to purchase or otherwise procure a tract of land not less than fifty acres, whereon which said site shall be located, the title of which shall be made to the chairman of the county court of Mitchell county and his successors in office, to the use of said county. Commissioners to locate county seat.

SEC. 10. *Be it further enacted*, That said commissioners, at some day between the first of May and the first of June next, [be required] to meet together and select a site for said town, and a majority of said commissioners shall have power to select said site, for which they shall be compensated by the county court of Mitchell by the payment of not less than one dollar and fifty cents per day; When Commissioners shall meet.

Provided, They shall not be engaged therein more than four days ; and if more than that time is consumed they shall be paid at the discretion of the court, a majority of the justices being present.

Commissioners
to lay off lots.

SEC. 11. *Be it further enacted*, That Tilmon Blalock, J. A. Person and Ebben Childes, and Jordan Harden be and they are hereby appointed commissioners to lay off the lots of said town, and said town shall be called and known by the name of Calhoun.

Lots to be sold.

SEC. 12. *Be it further enacted*, That said commissioners, after designating such as shall be retained for public uses, after advertising thirty days in such manner and at such places as said commissioners shall think proper, shall expose to public sale, to the highest bidder, said lots, upon a credit of one and two years, and shall take bonds and approved security for the purchase money, payable to the chairman of the county court and his successors in office ; and when said money shall be paid, the chairman or successor aforesaid shall make title to the lots aforesaid to the purchaser, his heirs or assigns, which money, or so much thereof as may be necessary, shall be appropriated to the construction of the public buildings.

Sheriffs of coun-
ties from which
taken to collect
arrears of taxes,
&c.

SEC. 13. *Be it further enacted*, That nothing herein contained shall prevent the sheriff of the different counties from which the county of Mitchell is taken, from the collecting of all such taxes as have been heretofore laid by the county courts of said counties before the first day of January, 1861 ; and the county court of said Mitchell county shall, at its first session, a majority of the justices of said county being present, have full power to lay taxes for all purposes necessary to carry this act into full operation, and to give to the county of Mitchell all rights, privileges, powers and immunities which other counties in this State may have. [*Ratified the 20th day of February, 1861.*]

AN ACT TO LAY OFF AND ESTABLISH TRANSYLVANIA COUNTY. *Chap. 10.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a county by the name of Transylvania be laid off and established out of the counties of Henderson and Jackson with the following boundary, to wit: beginning at the standing stone, on the South Carolina line, near the head waters of Green river and Little river, and runs with the Blue Ridge to Green river gap, thence a straight line to the top of Hickory mountain, thence a straight line to the top of the mountain, west of William Sintel's, thence with the main ridge to the top of the high point on the mountain near the Hadden farm, thence a straight line to the mouth of the branch between the Hadden and Justus farms, thence down the French broad river to the mouth of Bryson's creek, thence a straight line to the top of Pisgah mountain, thence a west direction with the Haywood line to the Jackson line to a point on the Blue Ridge between the head of Indian creek and Toxaway, and running with the dividing ridge between Indian creek and Toxaway river to said river, thence south to the South Carolina line, thence with the South Carolina line to the beginning.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1861.*]

AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, LAYING OFF AND ESTABLISHING THE COUNTY OF TRANSYLVANIA. *Chap. 11.*

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the county of Transylvania be and is hereby invested with all the rights, privileges and immunities of the other counties in this State, except as is hereinafter provided.

Justices of the
Peace and Mili-
tia officers to
continue in of-
fice.

SEC. 2. *Be it further enacted*, That all the justices of the peace and officers of the militia, who reside within the limits of the county of Transylvania, shall continue to hold and exercise all the official powers and authority in and for said county that they have heretofore held and exercised in and for the counties of Henderson and Jackson respectively.

Constables to
hold their off-
ices.

SEC. 3. *Be it further enacted*, That the constables now residing in the county of Transylvania, shall continue to hold their office, and perform all duties appertaining thereto, until the first county court to be held for said county, under the same rules, regulations and penalties as constables are subject to in other counties of this State.

Representation.

SEC. 4. *Be it further enacted*, That the counties of Henderson and Jackson shall continue to be represented in the General Assembly of the State of North Carolina, as they have heretofore been, and that all the qualified voters taken from said counties of Henderson and Jackson shall continue to vote with the counties to which they heretofore belonged, until a future legislature shall otherwise provide and direct, and elections shall be held for members of both houses of the General Assembly and of Congress, by the sheriff or other returning officers of Henderson and Jackson counties, in all the territory heretofore comprehended in said counties at the times and places, and under the same rules and regulations and restrictions as have been made, or hereafter may be made by law, and the certificates of said sheriffs or other returning officers to the result of said elections shall be as valid and effectual, to all intents and purposes, as if the act of laying off and establishing the county of Transylvania had never been passed.

Court of Pleas
and Quarter
Sessions.

SEC. 5. *Be it further enacted*, That a court of pleas and quarter sessions shall be held, and the same is hereby established in and for the county of Transylvania, to be held by the justices for said county on the third Monday of February, May, August and November. The first session of which shall be held at the house of B. C. Lankford, on the third Monday of May next, when the court afore-

said, a majority of the justices of the said county being present, shall elect a clerk, a sheriff, a coroner, a register and entry taker, a surveyor, constable, and all other officers for said county, who shall enter into bond, as required by law, and shall hold and continue in said offices until successors to them are duly elected and qualified, according to the acts of the General Assembly, in such cases provided; and said court, at its first session aforesaid, may appoint the place of its future sessions until a court house shall be erected for said county.

SEC. 6. *Be it further enacted*, That the court of pleas and quarter sessions established by this act shall possess and exercise the same power, authority and jurisdiction as is possessed and exercised by other county courts in this State, and shall have exclusive jurisdiction of all crimes committed within Transylvania county, of which the county courts have jurisdiction until a superior court of law is established for said county; and suits at law now pending in the county courts of Henderson and Jackson, whenever the citizens of Transylvania county are both plaintiff and defendant, and all indictments in the county courts of Henderson and Jackson against citizens of Transylvania shall be transferred to the county court of Transylvania, in the manner now provided for transferring suits from one county to another, and all appeals from the county court of Transylvania shall be sent to the superior court of Henderson.

Shall have same powers with other County Courts.

SEC. 7. *Be it further enacted*, That all criminal offences which may be committed in the county of Transylvania, which are cognizable only in the superior courts of law, shall be and continue under the jurisdiction of the superior courts of Henderson and Jackson, as if the act establishing the county of Transylvania had never been passed, until a superior court shall be appointed for the county of Transylvania.

Superior Court criminal cases.

SEC. 8. *Be it further enacted*, That all persons who may be liable to imprisonment under any process, either civil or criminal, in Transylvania county, before the comple-

Prisoners to be committed to the jail of Henderson.

tion of the jail therein, may be committed to the jail of Henderson county.

Superior Court
process.

SEC. 9. *Be it further enacted*, That all process issued from the superior court of Henderson or Jackson, against any of the citizens of Transylvania, shall be valid, without the seal of office affixed, until a superior court is established for the county of Transylvania, and all process so issued, after the third Monday of May next, shall be directed to the sheriff of Transylvania county, and executed by him.

Commissioners
to locate Coun-
ty seat.

SEC. 10. *Be it further enacted*, That James L. Linyard, Joseph Bryent, George Orr, T. W. Johnston, and Col. Joseph Hamilton, of Transylvania, and A. Henry, of Henderson county, be and they are hereby appointed commissioners to select and determine upon a site for a permanent seat of justice in said county, who shall locate the same at such place as they may think best and most convenient to a majority of the citizens of said county, which site shall be called Brevard, and shall be located within five miles of W. P. Poor's store; and said commissioners are hereby authorized and empowered to purchase, or receive by donation, a tract or parcel of land, not less than fifty acres, upon which the said site shall be located, the title of which land shall be made to the chairman of the county court and his successors in office, for the use and benefit of said county.

When Commis-
sioners shall
meet.

SEC. 11. *Be it further enacted*, That it shall be the duty of the commissioners before mentioned, at some day between the tenth of May and the tenth of June next, to meet together and select a location or site for said town; and a majority of said commissioners shall have full power and authority to make said selection, for which service they shall be entitled to receive such compensation as the county court of Transylvania may allow.

Commissioners
to lay off and
sell lots.

SEC. 12. *Be it further enacted*, That James Killian, W. P. Poor and Charles Patton be and they are hereby appointed commissioners to lay off the lots of said town, and after designating such as shall be retained for public use, after an advertisement of thirty days, in such manner,

and at such places as said commissioners may think proper, may expose to public sale and the highest bidder, said lots, or as many as they may think proper, upon a credit of one or two years, and shall take from the purchaser or purchasers bonds with approved security for the purchase money, payable to the chairman of the county court and his successors in office; and upon the payment of the purchase money the chairman, or his successor in office, shall execute title therefor; which money, or so much thereof as may be necessary, shall be appropriated to the building of the court house and jail.

SEC. 13. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent the sheriffs of Henderson county and Jackson county from collecting all arrearages of taxes in the same manner as they could have done previous to the establishing of Transylvania county.

Sheriffs of Henderson and Jackson to collect arrears of taxes.

SEC. 14. *Be it further enacted*, That the taxes for the year 1861, for county purposes, shall be collected by the sheriffs of Henderson and Jackson, and paid respectively to their counties, as if this act establishing Transylvania had not been passed; and the superintendents of common schools of the counties of Henderson and Jackson are hereby authorized to pay over to the school districts that were included in their respective counties, the amount of money that said districts may be entitled to for the year 1861.

Taxes for 1861. School Fund.

SEC. 15. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1861.*]

COURTS.

Chap. 12. AN ACT TO REPEAL AN ACT PASSED AT THE SESSION OF 1858-9, ENTITLED "AN ACT GRANTING TO THE SUPERIOR COURT OF BURKE COUNTY ORIGINAL AND EXCLUSIVE JURISDICTION OF ALL CRIMINAL CAUSES AND STATE PROSECUTIONS WHERE THE INTERVENTION OF A JURY MAY BE NECESSARY."

Repeals former Act.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an act, passed at the session of the General Assembly of 1858-9, entitled "an act granting to the superior court of Burke county original and exclusive jurisdiction of all criminal causes and State prosecutions where the intervention of a jury may be necessary," be, and the same is hereby repealed.

Court of Pleas to have jurisdiction.

SEC. 2. *Be it further enacted,* That the court of pleas and quarter sessions of the county of Burke shall have and exercise the same jurisdiction in criminal causes and State prosecutions as the said court had and exercised before the passage of the said act which is hereby repealed.

SEC. 3. *Be it further enacted,* That this act shall be in force and take effect from and immediately after its ratification. [*Ratified the 20th day of December, 1860.*]

Chap. 13.

AN ACT CONCERNING COURTS OF OYER AND TERMINER.

Courts of Oyer and Terminer to have jurisdiction in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in all cases where any slave or slaves is or are under arrest or in prison, and not indicted, as well as when he, she or they is or are indicted for any of the crimes mentioned in the 41st section of the 107th chapter of the Revised Code, courts of oyer and terminer shall have jurisdiction to try such slave or slaves, and the presiding judge may issue an order for a special venire of jurors, out of which a grand jury shall be empannelled, when and if necessary; and the remainder, or those not required as a grand jury, summoned under the special

order, shall serve as petit jurors, unless excused therefrom; and such grand jury shall have full power and authority to find bills of indictments against all such slaves so under arrest or imprisoned for such crimes, whether then standing indicted or not heretofore indicted; and the presiding judge shall and may proceed to try, continue, or remove such indictments, whether formerly found, or found during the term of such courts; such continuance or removal to be regulated by the same rules as govern continuances and removals had at the general terms of the superior courts of law.

SEC. 2. *Be it further enacted, and it is hereby enacted by* Pay of Judge.
the authority aforesaid, That for each week in which a judge shall hold such courts, he shall receive the sum of \$90, (ninety dollars,) to be paid by the State treasurer, on a proper certificate of the clerk thereto.

SEC. 3. *Be it further enacted, and it is hereby enacted by* Repeals 85th Sec. of Revised Code, Chap. 52.
the authority aforesaid, That this act shall not be affected by the 85th section of the Revised Code, chapter 52, but shall take effect as if such section had never existed, or was now repealed.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its passage. [*Ratified the 17th day of January, 1861.*]

AN ACT TO ABOLISH JURY TRIALS IN THE COURT OF PLEAS AND QUARTER Chap. 14.
 SESSIONS OF POLK COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the* Repeals former Act.
authority of the same. That an act passed at the session of the General Assembly 1858-9, entitled an act to repeal an act entitled an act to abolish jury trials in the county courts of Polk county be and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That all suits now pending in the court of pleas and quarter sessions of said county which may require the intervention of jury, be transferred to the superior court of said county, and that the Suits to be transferred to Superior Court.

clerk of the court of pleas and quarter sessions shall make out a transcript of said cases, and deliver to the clerk of the superior court, and by him entered upon the docket.

Repeals all laws
conflicting.

SEC. 3. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

Chap. 15. AN ACT TO COMPEL THE READING OF THE MINUTES OF THE PRECEDING DAY EVERY MORNING DURING THE SITTINGS OF THE SUPERIOR AND INFERIOR COURTS.

Minutes of pre-
ceding day to
be read each
morning.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That every morning during the term of the respective superior courts and courts of pleas and quarter sessions throughout the State, the court presiding shall order the reading of the minutes of said courts for the day preceding, and the minutes of the last day shall be read immediately preceding the final adjournment of said term. [*Ratified the 25th day of February, 1861.*]

Chap. 16. AN ACT TO ABOLISH JURY TRIALS IN THE COURT OF PLEAS AND QUARTER SESSIONS OF WATAUGA COUNTY.

Abolishes jury
trials.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That after the seventh Monday after the fourth Monday in December, A. D. 1860, jury trials in the court of pleas and quarter sessions in Watauga county be and the same are hereby abolished.

Transfers Jury
cases to Super-
ior Courts.

SEC. 2. *Be it further enacted*, That it shall be the duty of the clerk of said court to make out a transcript of all

suits pending in said courts when the intervention of a jury is necessary, and by the 1st day of August next to deliver the same to the clerk of the superior court of said county, together with all papers relating to said suits; and it shall be the duty of said clerk of the superior court to enter the case aforesaid upon the docket of the superior court, observing the order of precedence of each suit as indicated by its number.

SEC. 3. *Be it further enacted*, That whenever an issue of devisevit, vel novo or fraud in any capias ad satisfaciendum, issue of bastardy, or any other question of fact requiring the intervention of a jury, such issue shall, upon being made up in the said court, be immediately transmitted to the superior court for trial, and any clerk failing to perform the duties enjoined by this act shall be deemed guilty of a misdemeanor. Issues of fraud, etc., transferred

SEC. 4. *Be it further enacted*, That after two years from the passage of this act, the justices of said court of pleas and quarter sessions, a majority of them being present, shall have the power to restore jury trials in said court. Jury trials may be restored in two years.

SEC. 5. *Be it further enacted*, That the provisions of this bill [act] shall apply, so far as they are applicable, to the county of Jackson, from and after the third Monday in March, A. D. 1861. Extends provisions to Jackson.

SEC. 6. *Be it further enacted*, That all laws coming in conflict with this act, be and the same are hereby repealed. Repeals former laws.
[Ratified the 23d day of February, 1861.]

CONVENTION.

AN ACT CONCERNING A CONVENTION OF THE PEOPLE.

Chap. 17.

WHEREAS, The present perilous condition of the country demands, in the judgment of this General Assembly, that the sovereign people of this State should assemble in convention to effect an honorable adjustment of existing difficulties whereby the Federal Union is endangered, or otherwise to determine what action will best preserve the Preamble.

honor and promote the interest of North Carolina ; and whereas, this General Assembly, on matters of such grave imports, involving the relation of North Carolina to her sisters in the confederacy, is reluctant to adopt any settled policy without the sense of the people, in whom, under our government, all sovereignty resides, being first ascertained,

Governor's
Proclamation
ordering elec-
tions.

SECTION 1. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, two-thirds of all the members of each house concurring,* That upon the passage of this act, the Governor of the State be and he is hereby required to issue a proclamation commanding the sheriffs of the respective counties in the State to open polls at the several election precincts in said counties, on the 28th day of February, A. D. 1861, when and where all persons qualified to vote for members of the General Assembly may vote for or against a State convention, those who wish a convention, voting with a printed or written ticket, "convention," and those who do not wish a convention, voting in the same way, "no convention ;" also to open separate polls at the said time and places for the election of delegates to the convention to be assembled on such times as are hereinafter provided ; said polls to be superintended by inspectors appointed by the sheriffs, with the advice of three justices of the peace of the respective counties, who shall be sworn according to the provisions of sec. 6, chap. 52, of Revised Code.

Sheriffs' Re-
turns.

SEC. 2. *Be it further enacted,* That it shall be the duty of the sheriffs to make out duplicate statements of their polls in their respective counties, on the question of convention and no convention, sworn to before the clerk of the county court, one copy of which shall be deposited in said clerk's office, and the other copy transmitted to the Governor of the State, at Raleigh, under the same rules and regulations, and under the same penalties as are prescribed in the case of the returns of the vote for electors of President and Vice-President, as now prescribed by law, immediately after said election.

SEC. 3. *Be it further enacted*, That it shall be the duty of the Governor, as soon as he shall have received the returns of the sheriffs, in the presence of the Secretary of the State, Public Treasurer and Comptroller, to compare the number of votes for and against a convention; and if it shall appear that a majority of the votes polled are in favor of a convention, he shall forthwith issue a proclamation in such manner as he may think proper, summoning the delegates elected to said convention as aforesaid, to convene in Raleigh, on such day as he may designate in his said proclamation; *Provided*, The day designated be not earlier than the eleventh of March, and if a majority of the votes polled are against a convention, the Governor shall, in like manner, issue a proclamation of that fact; and in that case the assembling of the said delegates elected as aforesaid, under the provisions of this act, is hereby declared to be illegal and of no effect.

Governor's
Proclamation
announcing re-
sult.

SEC. 4. *Be it further enacted*, That the election for delegates as aforesaid, shall be held and conducted in the same manner as elections for members of the General Assembly, and the vote shall be counted, and the scrolls compared, and certificates issued in the same manner as prescribed by law for members of the House of Commons.

Mode of holding
elections.

SEC. 5. *Be it further enacted*, That if a vacancy shall occur by the death, resignation or removal from the State, or by the refusal to serve of any person elected delegate as aforesaid, the presiding officer of the convention shall issue his writ to the sheriff of the county in which such vacancy may have occurred, after such notice as the convention may order, to open a poll to fill such vacancy, under the same rules and regulations as hereinbefore prescribed for the election of delegates.

Vacancies, how
filled.

SEC. 6. *Be it further enacted*, That the said convention shall consist of one hundred and twenty delegates, and each county shall be entitled to the same number of delegates as members of the House of Commons under the last appointment [apportionment.]

Number and
qualifications
of delegates.

SEC. 7. *Be it further enacted*, That the mileage and per diem pay of delegates to said convention shall be the same

Compensation.

as that of members of the General Assembly, to be paid in the same manner; and said convention shall have power to fix the pay of all its officers and of any representative to any convention or State, and shall provide for other expenses to be paid out of the treasury, as it may direct.

Officers, etc.

SEC. 8. *Be it further enacted*, That the said convention shall have power to elect its officers, and prescribe qualifications for its members, not inconsistent with the true intent of this act.

Powers, etc.

SEC. 9. *Be it further enacted*, That the said convention shall have power to consider all grievances affecting North Carolina as member of the confederacy, according to the true intent and meaning of this act, the assent or dissent of the people to the propositions herein contained being respectively expressed by the vote, convention or no convention, at the time and in the mode hereinbefore provided.

Submitted to people.

SEC. 10. *Be it further enacted*, That no ordinance of said convention shall have any force or validity until it shall have been ratified by a majority of the qualified voters for members of the General Assembly, to whom it shall be submitted, according to the mode prescribed for elections of members to the House of Commons, the assent or dissent of the people hereto being expressed as in preceding sections of this act.

Disqualifications.

SEC. 11. *Be it further enacted*, That no delegate elected shall be permitted to take his seat in said convention until he shall have taken and subscribed to the following oath before any judge of the supreme or superior courts, or any justice of the peace of Wake county, to wit: "I, A. B., do solemnly swear or affirm, (as the case may be,) that I will not do any act contrary to the act of the General Assembly under which this convention is called; and that I will duly and faithfully discharge my duties as a member of this convention, according to the best of my knowledge and ability, so help me God."

SEC. 12. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 1st day of January, 1861.*]

CORONERS' BONDS.

AN ACT TO REQUIRE THE REGISTRATION OF CORONERS' BONDS.

Chap. 18.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all official bonds of coroners hereafter given, shall be duly proved, certified and registered as sheriffs' bonds are now required to be, and certified copies of the same, from the register's office, shall be received and read in evidence in the like cases, and in like manner as such copies of sheriffs' bonds are now allowed to be read in evidence. [*Ratified the 23d day of February, 1861.*]

Bonds to be registered.

EDUCATION.

AN ACT CONCERNING COMMON SCHOOLS IN NORTH CAROLINA.

Chap. 19.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the 35th section of the 66th chapter of the Revised Code of the State, and the 9th, 10th and 11th sections of chapter 11th of the acts of Assembly of 1856-57, entitled an act concerning the common schools in North Carolina, be and the same are hereby repealed.

Repeals certain acts.

SEC. 2. *And be it further enacted,* That the district committee of common schools, to consist of three persons as heretofore, and each of whom shall be a qualified voter of the State, shall be appointed in the following manner, to wit: The board of county superintendants of each county shall annually meet on the third Monday in April, and select committees for the several districts of their respective counties, in all cases where they have not been designated in the manner hereinafter provided; and it may be lawful for a majority of the parents and guardians of the children entitled to the benefits of the common school fund, and of the legal voters of every district to designate by written petition, such persons as they desire for com-

District Committees, how appointed.

mitteemen, whenever a majority of the parents, guardians and qualified voters without children so agree upon one or more members of the committee for any district, and state their preference in writing, signed with their names, and present said writing or petition to the board of county superintendants, on or before the third Monday of April, the board shall appoint the persons so designated, and if there be not three so named and preferred, shall select the others; such petitions must be signed by a majority of those who constitute the whole number of parents, guardians and qualified voters of the district, each person signing as parent, if he have children of the age to be entitled to the benefits of the school fund, or as guardian, if he be such, and if he have no children and be not a guardian, as voter, no one being entitled to sign his name more than once. If the children have no father living in the district, the mother or guardian may sign such petition; and it shall be incumbent on the petitioners, or some one of them, to prove that they constitute a majority of the persons entitled to petition in the district. The board of superintendants shall appoint in all other cases; and when vacancies occur in the committees, after the annual meeting of the board, the chairman may fill them until the next annual meeting.

Complaints.

SEC. 3. *And be it further enacted*, That whenever any citizen or parent may consider him or herself aggrieved by a committee or any member of it, complaint may be made to the board of superintendents, who shall hear and decide on the case, and may remove committeemen for violation or neglect of duty or unfitness for the office.

Term of office.

SEC. 4. *And be it further enacted*, That the term of office of committeemen shall begin, as heretofore, on the first Monday in May, and continue for one year, and until others are chosen; and the clerks of county courts shall, as formerly, furnish the sheriffs with a list of the committeemen, and the sheriffs shall notify them under the regulations and subject to the penalties prescribed in section nine (9) of chapter twenty-seven of the acts of the Assembly of 1858-59, entitled an act concerning common schools.

SEC. 5. *And be it further enacted*, That for the purpose of rendering the school year more consistent and uniform, it shall be arranged as follows, to wit: *First*, The boards of county superintendents shall be appointed under the regulations formerly established, and shall hold their office, as already prescribed by law, their term of office beginning on the 3rd Monday of April and continuing for one year, and until others are chosen. *Second*, The chairman of the board of county superintendents shall be appointed at the time and under the regulations already established by law. *Third*, District committees shall be selected by the boards of county superintendents on the third Monday in April in each year; and persons in whose behalf petitions have been presented, and on whom a majority of parents, guardians and voters have united shall be selected, and all such petitions must be presented before or on the 3rd Monday of April. *Fourth*, The chairmen of boards of county superintendents shall present their financial statement and vouchers to the committees of finance or clerks of the county courts, in the manner required by the provisions of the 49th section of the 66th chapter of the Revised Code, on or before the 4th Monday in March. *Fifth*, The chairmen of the boards of county superintendents shall make their reports to the general superintendent of the State, according to the provisions of the said 49th section of the 66th chapter of the Revised Code, and under the penalties already prescribed by law, on or before the third Monday in April in each year. *Sixth*, And the general superintendent for the State shall make his annual report as prescribed by the 58th section of the 66th chapter of the Revised Code, on or before the first Monday in July. And so much of sections 49 and 58 of the 66th chapter of the Revised Code as comes in conflict with the provisions of this bill [act] be and they are hereby repealed.

County Superintendents, District Committees, General State Superintendent, how appointed—reports to be made, etc.

SEC. 6. *And be it further enacted*, That for the diffusion of necessary information among all the officers and teachers of the common schools, the superintendent for the State be authorized to subscribe for a copy of "The North

Journal of Education to be sent to Chairmen of County Superintendents.

Carolina Journal of Education," published under the auspices of the State educational association, for each chairman of county superintendents, for each member of the committees of examination, and for each common school district; the copies for the districts to be sent bi-monthly, or every two months, at half the cost of the monthly editions, to be used by the committees, and filed in the district school houses, and until the chairmen, send to the superintendent the post offices of the committees, which they are hereby required to do as far as possible, the copies for said committees shall be sent to the chairman to be by them distributed, and the cost of said subscriptions shall be paid semi-annually, on the warrant of the Governor, by the treasurer of the literary fund.

Bill to be published in the "Journal of Education."

SEC. 7. *And be it further enacted*, That a copy of this bill [act] shall be published in said Journal of Education as soon as said bill [act] becomes a law, and that it shall be the duty of the superintendent of common schools for the State to prepare, as soon as possible, a new digest of all the laws in force in relation to common schools in the State, together with an index, notes and explanations, and to publish the same in one of the bi-monthly numbers of the said Journal of Education sent to all the school districts, and that he cause five hundred extra copies to be printed for the use of his office.

Color of children.

SEC. 8. *Be it further enacted*, That when questions shall arise as to whether children are descended from negro ancestors within the degrees that deprive them of the benefit of the common school fund, the board of county superintendents may and shall make decisions which shall be binding until the questions are decided by the courts having jurisdiction in such cases, either party having the right to appeal to said courts.

Drafts.

SEC. 9. *Be it further enacted*, That no draft shall be drawn in favor of a teacher until the end of the term for which he was employed, or after the expiration of three months from its commencement, except in cases where teachers leave by consent of the committee before the time for which they were employed is out.

SEC. 10. *And be it further enacted*, That when the chair- School Register
man of the board of superintendents does not reside at
the county seat he may deposit the school register for his
county in the office of the clerk of the county court, mak-
ing the clerk his deputy for the safe keeping of the same,
and empowering him to furnish them to teachers on the
orders of committees, and to take receipt for them accord-
ing to the regulations governing the action of chairmen
in this matter, and in such cases the registers may be re-
turned again to the said clerks.

SEC. 11. *And be it further enacted*, That this bill [act] Repeals con-
shall be in force from and after its ratification, and that flicting acts.
all laws and clauses of laws coming in conflict with its
provisions be and they are hereby repealed. [*Ratified the*
23d day of February, 1861.]

AN ACT TO INCORPORATE THE STATE EDUCATIONAL ASSOCIATION OF *Chap. 20.*
NORTH CAROLINA.

SECTION 1. *Be it enacted by the General Assembly of the* Incorporates
State of North-Carolina and it is hereby enacted by the Association.
authority of the same, That the State Educational Asso-
ciation of North-Carolina, as organized by a voluntary
society in the town of Salisbury, on the 21st day of Oc-
tober, A. D. 1856, and whose organization was further
perfected at the annual meetings held in Warrenton on
the first day of July, 1857, in Statesville on the 7th day
of July, 1858, in Newbern on the 14th day of June, 1859,
and in Wilmington on November 13, 1860, shall be and
the same is hereby incorporated under the name and style
of "The State Educational Association of North Caroli-
na," and may have and use a common seal, sue and be
sued, and take, hold and convey real and personal property
of the value of twenty thousand dollars, and no more, for
the purposes hereinafter specified.

SEC. 2. *And be it further enacted*, That the said society Organization.
may adopt for its government a constitution and by-laws,
not inconsistent with the constitution and laws of this

State or of the United States, and shall, according to the provisions of these, annually elect a president, six vice presidents, a recording secretary and a corresponding secretary and treasurer in one, all of whom shall hold their office, until their successors are appointed, and the said society shall have [a] permanent executive committee of three, consisting of the superintendent of common schools and the recording and corresponding secretaries, and whose powers and duties shall be prescribed in the constitution and by-laws of the society.

Duties.

SEC. 3. *And be it further enacted*, That it shall be the duty of the State Educational Association of North Carolina to hold an annual meeting at such place and time as the executive committee, or others authorized by the constitution and by-laws so to do, shall direct; at which meeting some questions connected with the course of education shall be discussed and decided, and at which shall be delivered addresses and essays intended to promote the progress of useful learning in the State, and to diffuse information among the people; and the proceedings of these meetings, and such essays as the association may deem proper, shall be published in pamphlet form, one copy of which shall be sent to the executive library, and one to the library of the State in Raleigh; one to each of the colleges, male and female, in the State; one to the chairman of each board of county superintendents of common schools, to be filed in his office, and one to each committee of examination.

Committees

SEC. 4. *And be it further enacted*, That the said Association shall have at least two standing committees, one to be called "The Committee on Common Schools," and one "The Committee on Statistics," which committees shall, from time to time, make reports to the association on the subjects on which they are appointed.

Duty of Superintendent of Common Schools.

SEC. 5. *And be it further enacted*, That it shall be the duty of the superintendent of common schools for the State, to notify the chairman of the boards of superintendents of common schools and the examining committees, and the president and directors of the literary fund, at

least fifteen days in advance of the time and place of each annual meeting of the association, to make an annual address before it setting forth the condition, wants and prospects of the common school system, to aid in directing its deliberations and action to useful purposes connected with the cause of general education, and to exert himself to prevent any sectional, sectarian or political bias in its proceedings.

SEC. 6. *Be it further enacted,* That said association shall have published under its auspices a monthly periodical to be called "The North Carolina Journal of Education," to be conducted by such persons, and on such terms as it or its authorized committees may see fit; and the first named of the board of editors shall be the superintendent of common schools for the State, who shall publish in said journal such of his official decisions as he may deem of general interest; his annual letters of instructions to committees of examination—extracts from his annual report to the Governor—such suggestions as he may deem important, with explanations of the duties of his subordinate officers; and once in every two years, a digest with index and notes of all the laws in force in regard to common schools.

N. C. Journal
of Education.

SEC. 7. *And be it further enacted,* That it shall be the duty of the president and directors of the literary fund to pay to said association, through its executive committee, the sum of six hundred dollars per annum for four years, beginning the year 1859, and ending with the year 1862; *Provided,* Such appropriation can be made from the literary fund without diminishing the usual distribution for common school purposes, or injuriously interfering with the usual operations of the literary board, or of the common school system: *And provided, also,* That the books, accounts and operations of the association are open to the inspection of the Governor of the State; And this charter may be declared null and void whenever by the proper legal process, in the authorized tribunal, it shall be proved to have become a political, sectional or sectarian society, or to be engaged as a society in propagating

Appropriates
\$600 annually
for four years.

doctrines inconsistent with the peace and safety of the State.

Appropriates
\$100 annually.

SEC. 8. *And be it further enacted*, That the president and directors of the literary fund shall annually appropriate to said society one hundred dollars, to be paid under the direction of the executive committee, in premiums of not more than thirty dollars, nor less than fifteen each, to common school teachers for essays on such subjects as the association or its authorized committee shall select.

SEC. 9. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

IDIOTS AND LUNATICS.

Chap. 21.

AN ACT CONCERNING INSANE PERSONS.

Duty of Justices.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That whenever two or more justices of the peace shall, under the provisions of sec. 17, chapter six of the Revised Code, direct any insane person to be removed to the Asylum as a patient, it shall be their duty to make a full report of their proceedings in their behalf to the next term of the court of pleas and quarter sessions. [*Ratified the 23rd day of February, 1861.*]

Chap. 22.

AN ACT TO AMEND SECTION 1ST, CHAPTER 57TH, OF REVISED CODE, ENTITLED "IDIOTS AND LUNATICS."

Superintendent's certificate evidence.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That section 1st, chapter 57th of Revised Code, entitled "Idiots and Lunatics" be amended so as to read as follows: *Provided*, That if any person is confined in any asylum for lunatics and insane persons, the certificate of the superintendent of such asylum declaring such

person to be of insane mind and memory, which certificate shall be sworn to and subscribed before the clerk of any court of record of the county in which such asylum is situated, and certified under the seal of such court, shall be sufficient evidence to authorize the county court to appoint a guardian for such idiot, lunatic or person of insane mind and memory.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

INCENDIARY LANGUAGE.

AN ACT TO AMEND THE 16TH AND 17TH SECTIONS OF 34TH CHAPTER *Chap. 23*
REVISED CODE.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any person shall willfully bring into the State, with the intent to circulate, or shall willfully circulate or publish within the State, or shall aid or abet the bringing into, or circulation, or publication of, within the State, any written or printed pamphlet or paper, whether written or printed in or out of the State, the evident tendency whereof is to cause slaves to become discontented with the bondage in which they are held by their masters, and the laws regulating the same, and free negroes to be dissatisfied with their social condition, such person so offending shall be deemed guilty of felony, and on conviction thereof shall suffer death. Circulating incendiary documents felony

SEC. 2. *Be it further enacted*, That if any person, by words, shall endeavor to excite in any slave or free negro or person of color, a spirit of insurrection, conspiracy or rebellion, such person so offending shall be deemed guilty of felony, and on conviction thereof shall suffer death. Exciting colored persons felony.

SEC. 3. *Be it further enacted*, That if any person shall use inflammatory language, the tendency of which would be to excite in any slave or free negro a spirit of insur- Inflammatory language misdemeanor.

rection, conspiracy or rebellion, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned, at the discretion of the court. [*Ratified the 23d day of February, 1861.*]

MILITIA.

Chap. 24. AN ACT TO AMEND THE SEVENTIETH CHAPTER OF THE REVISED CODE, "MILITIA."

Enrollment.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That all free white males and apprentices who are of the age of eighteen years, and under the age of forty-five years, and who reside in the State of North-Carolina, except ministers of the gospel, shall be enrolled in the militia of this State, by the captain or commanding officer of the infantry company within whose district such persons shall reside; and the said officer shall notify such free white males and apprentices of their enrollment by a non-commissioned officer of his company, and by whom said notice shall be proved.

Major General.

SEC. 2. *Be it further enacted,* That whenever a vacancy shall occur in the office of major general, the same shall be filled by the plurality of the written votes of the field, staff and commissioned officers of the division, the election to be held at a time and place to be designated by the adjutant general; and whenever a vacancy shall occur in the office of brigadier general, the same shall be filled by the field, staff and commissioned officers of the brigade, under the same rules and regulations as are herein prescribed for the election of a major general, and the Governor shall commission said officers when notified of their election.

Commissioned officers of companies, etc.

SEC. 3. *Be it further enacted,* That whenever there shall be a vacancy in any company of the commissioned officers to command the said company, and upon an election having been ordered in said company there shall be a

failure to elect a captain and other commissioned officers for the company, from either the failure of any candidate for said office, or from the neglect or refusal of the company to elect, and where there are no suitable persons in said company who are willing to accept the appointment of commissions in the company after being elected or appointed to the same, it shall be the duty of the colonel or other commanding officer in the regiment to which said company is attached: or, if there is no commander of said regiment, then it shall be the duty of the brigadier general in whose brigade said regiment belongs, within thirty days after said election shall have been ordered by him, and the neglect or refusal of said company to elect company officers, either from the want of a candidate, or for any other cause, and he is hereby authorized and required to appoint some fit and suitable person to act as captain or other commissioned officers to supply said vacancies in said company for the space of two years from the date of said appointment, whose duty it shall be to accept said appointment, and to act as captain or other commissioned officer in said company for two years from the date thereof, who shall be commissioned and have all the powers and authority, and liable to all the penalties as captains and other commissioned company officers now have and are liable for by law. And if any person so appointed shall neglect or refuse to accept such appointment, or shall fail to receive said commission when tendered to him, and qualify as said officer within the space of thirty days from the time of his appointment and commission tendered, he shall forfeit and pay the sum of fifteen dollars, if appointed to the office of captain, and ten dollars if appointed to any other place as commissioned officer in the company, for such neglect or refusal; which penalty shall be recovered by warrant before any justice of the peace, in the name of the State by the officer making the appointment, one-fifth to the use of the officer suing, and the other four-fifths to the use of the State. And it shall be the duty of the said commanding officer of the regiment, or in case there is none, then it shall be the duty

of the brigadier general in whose regiment said company belongs, within thirty days thereafter, to make new appointments of other persons in said company liable to do military duty to said officers, and so on, under like penalties, until suitable officers can be found who shall accept said offices; *Provided*, That no person shall be appointed who is not liable to do military duty, and no person who has been once appointed and refused to accept, and who has paid the forfeiture, or who has served two years, shall be compelled to serve, or be liable to be appointed again within five years from said refusal or appointment; *Provided*, That no person who is a member of any organized volunteer or fire company in this State shall be compelled to serve whilst he is a member of said company; *Provided, further*, That any person appointed as above shall not be compelled to equip himself with any of the equipments required by law for his said office, except a sword and belt, cap and plume, epauletts and blue frock coat and pants of homespun, or any other texture, with white metal buttons; *And provided further*, That he shall be released from the payment of poll tax, from working on the roads, and from serving on juries during his continuance in said office.

Field Officers.

SEC. 4. *Be it further enacted*, That any field officer other than major or brigadier general, who shall fail or refuse to accept such office to which he may be elected or appointed, shall forfeit and pay the sum of fifty dollars.

Election of field Officers.

SEC. 5. *Be it further enacted*, That hereafter, whenever any vacancy shall occur in any regiment of colonel, lieutenant colonel or major, the same shall be filled by an election held by the rank and file of the regiment, at the usual place of meeting for regimental muster in their respective counties, on a day designated by the adjutant general, under the superintendence of the captain and first lieutenant of each company, who shall inform the Governor of the result of said election, and he shall issue a commission to the officer receiving a plurality of the votes cast.

Drill & review.

SEC. 6. *Be it further enacted*, That the commandant of

each regiment shall assemble his regiment once in each year for drill and review, and for failure of this duty shall forfeit and pay one hundred dollars; and each captain or commandant of a company shall assemble his company four times in each year for drill, and for a failure of this shall forfeit the sum of fifty dollars, and at said drills all persons required to perform military duty shall appear in person, and not be allowed to hire a substitute.

SEC. 7. *Be it further enacted*, That any commandant Returns. of a regiment shall, on or before the 25th day of October, in each year, make a return of the strength of his regiment to the brigadier general of the brigade to which such regiment belongs, and shall make a duplicate return to the adjutant general, on or before the 25th day of November in each year, and he shall note in said return whether his regiment has been reviewed by the major and brigadier generals, and at what time, and in default of such return he shall forfeit and pay one hundred dollars.

SEC. 8. *Be it further enacted*, That the tax lists shall Military Roll. have a column headed "military roll," to be prepared by the comptroller, and that the tax list takers shall annually include in their lists the names of the persons in their districts between the ages of eighteen and forty-five years, liable to be enrolled for military duty, and it shall be the duty of every person who shall give in his taxables to report himself, on oath, for enlistment who is liable for military duty; and every white person who shall return his taxes shall also, on oath, report (on oath) every person residing in his family who shall be liable for military duty.

SEC. 9. *Be it further enacted*, That the tax list takers Lists to be drawn off. shall return the lists to the clerks of the county courts, and by them the names of such persons liable to military duty shall be drawn off, the district in which they live specified, and a copy of such list shall be given to the colonel of the regiment, and also to the captain of the company in each district, and the clerks shall receive the sum of five dollars for their services, to be paid by the county treasurer.

Whenever dis-
organized.

SEC. 10. *Be it further enacted*, That whenever any company shall be so disorganized that there is no commissioned company officers to command the same, and no regular roll of said company, or if the muster roll is not produced within twenty days after the same is required by the commandant of the regiment, the brigadier general or the sheriff of the county, after public notice shall have been given in a newspaper circulating in said company, or notice given at the court house door and three other public places in said company, then it shall be the duty of the commandant of the regiment, or if there be none such, then it shall be the duty of the brigadier general of that brigade, and if that too is vacant, it shall be the duty of the sheriff of the county, between the first day of April and the first day July, in each and every year, upon the order of the adjutant general (if to the sheriff) to employ some fit and suitable person, living in said company or regiment, to enroll all the white males within the bounds of said company, between the ages of eighteen years and forty-five years, liable to do military duty, and order the persons so enrolled to appear within thirty days, at the place where the said company had last usually held their company musters, for the purpose of holding an election for officers for said company, and the person so employed and detailed shall have power and authority, and it shall be his duty to appoint all proper officers and a clerk for that day to assist him, who shall each forfeit and pay the sum of two dollars, to be recovered before any justice of the peace by the person detailed, one-half to the use of said person, and the other half to the use of the State, for every neglect or refusal; and it shall be the duty of the person employed to call the roll and note all delinquents, and he shall hold an election and report and return the result of the same to the commanding officer of the regiment, or the brigadier general, or the sheriff, as the case may be, who shall proceed, as hereinbefore in this act ordered in section 5th of this chapter; in case of no election, the officer or person to whom the return is made shall return the same to his

superior officer, or in case of the sheriff to the adjutant general, and in case any of the parties enrolled and notified to attend shall neglect or refuse to attend on the day appointed for said election, he shall forfeit and pay the sum of two dollars, to be recovered by the person detailed, by warrant, in the name of the State, before any justice of the peace of said county, one-half to the use of the person detailed, or employed to make such enrollment and election, and the other half to the use of the company for military purposes.

SEC. 11. *Be it further enacted*, That there shall be formed a volunteer corps in the State, to consist of not exceeding ten thousand men, who shall be subject to the call of the commander-in-chief, in cases of emergency: *Provided, however*, That the Governor shall be authorized to enroll twenty thousand additional men, under the same rules and restrictions as hereafter are provided for the volunteer corps in case of actual war.

Volunteer
corps of ten
thousand.

Additional
twenty thousand.

SEC. 12. *Be it further enacted*, That the said corps of volunteers shall be composed of two divisions and four brigades; that each brigade shall be composed of not less than two regiments; that each regiment shall be composed of not less than six companies; that each company shall be composed of not less than thirty-two privates, nor more than one hundred.

How composed

SEC. 13. *Be it further enacted*, That the said corps shall be officered by two major generals, to be elected by the rank and file of the division, under the same rules and regulations as shall be provided for the election of colonels, lieutenant-colonels and majors.

Major General.

SEC. 14. *Be it further enacted*, That each brigade shall be officered by one brigadier general, to be elected in the same manner and at the same time and places as prescribed for the election of major generals in the preceding section; and the said brigadier generals shall each have the power to appoint the following staff officers: one brigade major, one brigade inspector, one brigade commissary, one brigade quarter-master, one brigade surgeon, each with the rank of surgeon, and the *aids de camp* with

Brigadier General.

the rank of captain. The said staff officers, with the exception of the surgeons, to be selected from the volunteer corps, and to hold no higher command than they held in the corps from which they are taken, and such officers to be commissioned by the Governor.

Regimental Of-
ficers.

SEC. 15. *Be it further enacted*, That each regiment shall be officered by one colonel, one lieutenant colonel and one major, to be selected from the regiment, and such officers shall be chosen by the rank and file of the regiment, and the colonel of each regiment shall have the power to appoint the following officers: one adjutant, one quarter-master, one commissary and one surgeon. The officers, except the surgeon, shall be taken from the commissioned officers of the regiment below the rank of captain; and the colonel of regiments shall have power to appoint musicians, not exceeding ten in number.

Company Offi-
cers.

SEC. 16. *Be it further enacted*, That each company shall be officered: one captain, one first and one second lieutenant, one third lieutenant, four sergeants and four corporals. The commissioned officers of each company shall be elected by the written vote of the men of each company, and the non-commissioned officers to be appointed by the captains; such commissioned officers to be commissioned by the Governor.

Organization
of Regiments.

SEC. 17. *Be it further enacted*, That as soon as one or more companies shall have been organized, as hereinbefore prescribed, it shall be the duty of the captains of said companies to tender the services of said companies to the Governor—all the members of the company signing the same; and the Governor is hereby authorized to receive, arm and equip the same at the expense of the State, to the extent of the appropriation made for that purpose; and when six or more companies shall have been organized and shall have tendered their services to the Governor, in the manner hereinbefore prescribed, the Governor shall organize the same into a regiment, and the rank and file shall meet at the usual parade ground of their respective counties, on a certain day designated by a majority of the officers of said company, and elect by ballot

a colonel, lieutenant colonel and major, under the direction of the captains, and the result of such ballot shall be returned by the captains thereof to the Governor, who shall declare the election of officers and commission the same; and in default of such election, the Governor shall appoint said officers.

SEC. 18. *Be it further enacted*, That as soon as the regi- ^{Brigades.}
ment shall have been formed and organized in the manner as herein prescribed, the Governor shall organize the same into a brigade, and so in like manner until the whole ten thousand volunteers are organized into regiments, brigades and divisions.

SEC. 19. *Be it further enacted*, That for the government ^{Government and tactics.}
and drilling of the volunteers under this organization, each company and regiment shall be governed by the rules and regulations that are now prescribed for the government of the army of the United States, and the corps shall be drilled according to Hardee's tactics, and such other tactics as shall be prescribed by the commander-in-chief; and a copy of such tactics shall be furnished to each commissioned officer in said corps.

SEC. 20. *Be it further enacted*, That the time of service ^{Time of service.}
of such volunteer corps shall be ten years; and they shall be exempt after the expiration of ten years from active military duty, unless in case of invasion or insurrection, and such corps, when called into active service, shall serve during the pleasure of the commander-in-chief, unless sooner disbanded by law.

SEC. 21. *Be it further enacted*, That the same pay and ^{Pay and rations}
rations now allowed by the army regulations to the commissioned and non-commissioned officers, privates and musicians of the army of the United States, shall be allowed to the volunteer corps, or any part of them, when ordered by the Governor into active service.

SEC. 22. *Be it further enacted*, That in the distribution ^{Arms, &c.}
of the arms of the State to the volunteer corps, the Governor shall take a bond, payable to the State of North Carolina, with sufficient security from the captain of each company to whom such arms shall be distributed for the

safe keeping and return of such arms; and the captains of the volunteer companies shall each make an annual return of the number of men in his company, on or before the 15th day of July, to the adjutant general's office, and a duplicate to the colonel of the regiment, such return to be on oath; and whenever any company shall be less in number than is now prescribed by the 51st sec. of the 70th chapter "Revised Code," and who are equipped, it shall be the duty of the Governor to declare the company disbanded, and to call in the arms; *Provided*, That when any company not having sixty-four privates shall be called into actual service, the Governor may draw from the militia a sufficient number to increase such company to sixty-four.

Annual Drills. SEC. 23. *Be it further enacted*, That the Governor shall have the power once in each year to call together the officers of brigades and divisions for the purpose of drill, and shall continue such drill not exceeding six days in each year.

Distribution of Arms. SEC. 24. *Be it further enacted*, That in the distribution of arms to the volunteer corps, each county in the State that shall raise and report to the Governor one company of thirty-two privates under the regulations required by this act, shall be entitled to draw such arms; *Provided*, such company shall be organized and reported within six months after the ratification of this act.

Uniform. SEC. 25. *Be it further enacted*, That the uniform for the volunteer corps, and for officers of the militia shall be of cadet gray, manufactured in the State of North Carolina; *Provided*, That military officers now uniformed shall not be compelled to change the same until called into actual service. And the different corps and ranks shall be distinguished as the same corps and rank are now distinguished in the service of the United States.

When to be received. SEC. 26. *Be it further enacted*, That the military volunteer companies now in the State, as soon as they report themselves with the full compliment of men, shall be received by the Governor, and they may retain the uniform which the company have adopted, until called into actual service.

SEC. 27. *Be it further enacted*, That the Governor shall Courts martial. have the power to hold or cause to be held a court martial each year, in the city of Raleigh, to try delinquent general officers of militia and field officers of the volunteer corps; such court to consist of not more than five, nor less than three officers, and the expenses of said court shall be paid by the court.

SEC. 28. *Be it further enacted*, That the Governor shall Collection and repair of arms. have the power to collect and repair the arms of the State, and shall be authorized to draw on the treasurer of the State for the expenses of the said collection and repairing, and such arms as cannot be repaired to advantage he shall have power to sell.

SEC. 29. *Be it further enacted*, That the clerks of the Exemptious. county court in the State shall return to the comptroller the sums of money paid for exemption from military duty under this act.

SEC. 30. *Be it further enacted*, That the adjutant general be elected by joint ballot of both houses of the General Assembly, and shall keep a roster of the militia of the State, containing dates of commissions, rank, the corps, divisions, brigades and regiments, and the places of residence of officers, which roster shall be corrected every year. He shall enter into a book, kept for that purpose, a local description of the regimental, brigade and division districts; the books to be furnished by the State, and belong to the office. He shall adopt a seal of office, and all copies of records and papers in his office, duly certified under such seal, shall be evidence in all cases as if the original were produced. He shall cause the military laws of the State to be printed from time to time, and distributed to the commissioned field officers of the State. He shall prepare and distribute, at the expense of the State, proper blank books, forms and notices. He shall prepare general regulations prescribing the duties of the different military departments, which, when approved by the commander-in-chief, shall be obeyed and respected. He shall report to the Legislature, through the commander-in-chief, the strength and con-

Adjutant General, his duties, compensation, &c.

dition of the military of the State, of the public arms, equipments, ordnance, books and military stores; and he shall render a statement of all that may be necessary to keep up an ample supply of every article that may be required in the public service. He shall execute all orders of the commander-in-chief, and keep a record thereof. He shall attend all reviews of the commander-in-chief, and as quarter-master-general, he shall give a bond in the sum of five thousand dollars for the faithful discharge of his duties, with two good securities, to be approved by the commander-in-chief. He shall receive a salary of eighteen hundred dollars *per annum*, in full payment for services rendered as adjutant general, acting quarter-master general, inspector general and keeper of public stores and munitions of war. He shall attend all encampments, and while the troops are under arms, he shall inspect their arms, ammunition and accoutrements; superintend the exercises and enforce the discipline and tactics required by law. He shall, in time of war, have the command and rank of brigadier general. He shall cause suit to be brought in the name of the State of North Carolina, and he is hereby empowered so to do in any court in this State, or before any justice of the peace, when the amount sued for is within the jurisdiction of justices of the peace by the laws of this State, for any penalty incurred or any fine imposed by reason of the military laws of the State. He shall hold his office for the space of two years, unless the same is made vacant by resignation or promotion; and should the office become vacant by reason of death, resignation, refusal to accept, or otherwise, during the recess of the Legislature, then the Governor may fill said office by appointment until the next meeting of the General Assembly.

Term of office.

SEC. 31. *Be it further enacted*, That this act shall be in force from and after its ratification, and all laws coming in conflict with the provisions of this act, are hereby repealed. [*Ratified the 20th day of February, 1861.*]

AN ACT TO CREATE THE ARTILLERY CORPS OF NORTH CAROLINA.

Chap. 25.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That there shall be organized a corps of artillery, to consist of such troops and companies as may now and hereafter be raised in the several counties of the State, not to exceed ten in number, to include both horse and foot artillery. Corps of Artillery.

SEC. 2. *Be it further enacted,* That whenever a company, not less than sixty-four, nor more than one hundred, shall be reported to the chief of artillery, the chief shall direct said company to proceed to the election of the following officers, viz: one captain, two first lieutenants, two second lieutenants, to be commissioned by the Governor; and the captain so elected shall be appointed from the ranks; one first sergeant, four sergeants, four corporals, two artificers, two buglers, and (one farrier and one saddler, if the company be mounted,) and make report of the same together with the number of privates, to the chief of artillery, who shall issue warrants to the non-commissioned officers aforesaid, and the chief of artillery shall thereupon make his report to the commander-in-chief of the State, together with a requisition for the necessary arms and equipments for the company. Organization of company.

SEC. 3. *Be it further enacted,* That the arms to be furnished to said companies shall be prescribed and shall be recommended by the chief of artillery, and approved by the commander-in-chief of the State; and said arms and equipments shall be furnished by the Governor, if such are in possession of the State, or can be procured out of any funds appropriated for arming the State. Arms.

SEC. 4. *Be it further enacted,* That from and after the passage of this act, the Governor shall appoint some suitable person, a citizen of the State, to the office of the chief of artillery, with the rank of colonel, who shall have the supervision of the forming, equipping, arming and instructing in their proper duties, the several troops and companies that may constitute this corps—and he shall be a Chief of Artillery.

staff officer of the commander-in-chief; once a year at least he shall inspect the several troops and companies constituting the corps, and see that all the equipments, arms and ammunition are properly cleaned, cared for and preserved, and make his report in full of all matters to the commander-in-chief; all said troops and companies shall be subordinate to the chief of artillery, and receive their orders from and through him, and make annual returns, and oftener, if necessary or required, of all ordnance and ordnance stores, and all other property belonging to the State, in their possession, and also report the state and condition of such troops and companies as shall be prescribed from time to time by the chief of artillery.

Of Ordnance
and Engineers:

SEC. 5. *Be it further enacted*, That the chief of artillery shall also be chief of ordnance and military engineers, and perform the duties in these several departments as the commander-in-chief may prescribe.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 25th day of February, 1861.*]

Chap. 26.

AN ACT TO INCORPORATE THE PINEY WOODS CAVALRY AND WAKE
LIGHT DRAGOONS, ALSO OTHER COMPANIES.

Bodies politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the volunteer companies in the county of Wake commanded by George H. Fairebault and John C. Merriot; also John Harvey, commander of Guard and Perquimans Rangers; also Smithville Guards in the county of Brunswick, commanded by ———; also Pee Dee Guards, of Richmond county, commanded by ———; also the Warren Horse Guards, commanded by Capt. H. T. Mayfield, and Warren Guards, commanded by Capt. B. O. Wade; also Independent Greens, of Green county, commanded by W. A. Darden, jr.; also Wilmington Rifle Guards, commanded by O. P. Meares; also Neuse cavalry company, commanded by ———; and also

Rocky Mount Light Infantry, in the county of Edgecombe, commanded by Rich. H. Lewis, be and the same are hereby declared to be bodies politic and corporate by the name and style of the Piney Woods Cavalry, and Wake Light Dragoons, Perquimans Guards and Perquimans Rangers, Smithville Guards, Pee Dee Guards, Warren Horse Guards, and Warren Guards, Independent Greens, Wilmington Rifle Guards, Nense Cavalry, and also the Rocky Mount Light Infantry, and shall have power and authority to make such by-laws not inconsistent with the constitution and laws of this State as they may deem necessary for the regulation of the companies.

SEC. 2. *Be it further enacted*, That all fines and amercements which shall be collected by said companies shall enure to the use of the same. Fines.

SEC. 3. *Be it further enacted*, That said companies shall be exempt from all military duty, except in case of insurrection or invasion, at least six times in each year for the period of twelve years. Exemptions.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO PROVIDE FOR THE PURCHASE OF ARMS AND MUNITIONS OF WAR. Chap. 27.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sum of three hundred thousand dollars be, and the same is hereby appropriated for the purchase of arms and munitions of war for the use of the State, the arms to be of the most effective and improved kind. Appropriates
\$300,000.

SEC. 2. *Be it further enacted*, That for the purpose of raising the money herein appropriated, the public treasurer shall, from time to time, when called upon by the Governor, issue the bonds of the State, with coupons attached, to the amount of three hundred thousand dollars, signed by himself, and countersigned by the comptroller, Authorizes
State bonds.

in sums not less than five hundred dollars each, pledging the State for the payment of the sum therein mentioned, with interest thereon at a rate of interest not exceeding six per cent. per annum, payable semi-annually, at such times and places as the public treasurer may appoint; the principal of which bonds shall be redeemable at the end of thirty years from the time the same are issued.

**Military Com-
missioners.**

SEC. 3. *Be it further enacted*, That in order to carry out the provision of this act, that Major D. H. Hill, of the town of Charlotte, and Col. C. C. Tew, of the town of Hillsboro', shall constitute a military commission, whose duty it shall be to advise with the Governor in relation to the manner of providing the State with arms and munitions of war.

**Term of ser-
vice and com-
pensation.**

SEC. 4. *Be it further enacted*, That the military commission herein provided for shall cease at the end of seventy days from the ratification of this act, and that the commissioners, during their attendance in the discharge of their duty, shall be entitled to the same pay and mileage as is now allowed to members of the General Assembly.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of January, 1861.*]

PARTNERSHIP.

Chap. 28.

AN ACT TO PROVIDE FOR LIMITED PARTNERSHIP.

May be formed.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That limited partnerships for the transaction of any mercantile, manufacturing or mechanical business within the State may be formed by two or more persons, upon the terms and with rights and powers and subject to the conditions and liabilities in this chapter, but its provisions must not be construed to authorize any such partnership for the conducting of a banking or insurance business.

SEC. 2. *Be it further enacted*, That such partners may consist of one or more persons, who are general partners, and are jointly and severally responsible as partners are now by law, and of one or more persons, who contribute in actual cash payments a specific sum as capital to the common stock, who are called special partners, and who are not liable for the debts of the partnership beyond the funds so contributed to the capital.

General and
special part-
ners.

SEC. 3. *Be it further enacted*, That the persons desirous of forming such partnership must make and severally sign a certificate containing first the name or firm under which such partnership is to be conducted; second, The general nature of the business to be transacted; third, The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective place of residence; fourth, The amount of capital which each special partner has contributed to the common stock; 5th, The period at which such partnership is to commence and terminate.

Certificate.

SEC. 4. *Be it further enacted*, That the certificate must be acknowledged by the several persons signing the same before a judge of the supreme or superior court of law, or before the clerk of the court of pleas and quarter sessions of the county in which the principal place of business of such partnership is situated, and the said judge or clerk shall endorse said acknowledgment, and order the certificate to be registered.

Acknowledged
and registered.

SEC. 5. *Be it further enacted*, That the certificate and acknowledgment and order for registration must be registered in the county in which the principal place of business of such partnership is situated. If the partnership has places of business in different counties, a transcript of the certificate and acknowledgment certified by the register must be registered and filed in the register's office of each of such counties.

Where to be
registered.

SEC. 6. *Be it further enacted*, That at the time of the acknowledgment of the certificate, an affidavit of one or more of the general partners shall be made on oath before

Affidavit.

the judge or clerk taking such acknowledgment, stating that the sums specified in the certificate to have been contributed by each of the special partners to the common stock, have been actually in good faith paid in cash, and the said affidavit so made shall be registered with the original certificate.

Certificates, etc.
essential.

SEC. 7. *Be it further enacted*, That no such partnership shall be deemed to have been formed until such certificate and affidavit have been made, acknowledged, and registered as required in the foregoing section.

False statement.

SEC. 8. *Be it further enacted*, That if any false statement is made in such certificate or affidavit, all the persons interested in such partnership shall be liable as general partners.

Publication.

SEC. 9. *Be it further enacted*, That the terms of the partnership must be published immediately after its formation for six successive weeks, in at least one newspaper in the same county or near the place of said partnership business, and if such publication be not made the partnership shall be deemed general.

To be filed.

SEC. 10. *Be it further enacted*, That affidavits of such publication, made by the proprietor of such newspaper in which the same is published, may be filed with the clerk of the court of pleas and quarter sessions of the county in which such business is conducted, and shall be evidence of the fact.

Renewals and
continuances.

SEC. 11. *Be it further enacted*, That every renewal or continuance of such partnership beyond the time originally fixed for its duration, must be certified, acknowledged and registered, and an affidavit of a general partner made and filed, and notice given by publication as required for its original formation, and every such partnership which is otherwise continued must be deemed a general partnership.

Alteration.

SEC. 12. *Be it further enacted*, That every alteration which is made in the names of the partners, in the nature of the business, in the capital or shares thereof, or in any other matter specified in the original certificate must be deemed a dissolution of the partnership, and any such

partnership which is in any manner carried on after such alteration has been made must be deemed a general partnership, unless renewed as a special partnership according to the provisions of the preceding sections.

SEC. 13. *Be it further enacted*, That the business of Name of firm. the partnership must be conducted under a firm in which the names of the general partners only are inserted without the addition of the word "company," or any other general term; and if the name of any special partner is used in the firm with his privity, he shall be deemed a general partner.

SEC. 14. *Be it further enacted*, That suits in relation to Suits. the business of the partnership may be brought and conducted by and against the general partner in the same manner as if there were no special partner.

SEC. 15. *Be it further enacted*, That no part of the sum Special stock not to be withdrawn. which any special partner has contributed to the capital stock must be withdrawn or paid to him in the shape of dividends, profits or otherwise at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest does not reduce the original amount of such capital, and if after the payment of such interest any profits remain to be divided, he may receive his portion of such profits.

SEC. 16. *Be it further enacted*, That if it appears by To be paid back. the payment of interest or profits to any special partner the original capital has been reduced, the partner receiving the same is bound to restore the amount necessary to make good his share of the capital without interest.

SEC. 17. *Be it further enacted*, That a special partner Examinations. may from time to time examine into the state and progress of the partnership concerns; may advise as to their management, and act as attorney at law, but must not transact any other of the partnership business, nor be employed for that purpose as agent or otherwise; and if he interfere contrary to the provisions of this section, he is deemed a general partner.

SEC. 18. *Be it further enacted*, That the general part- Accounts.

ners are liable to account to each other, and to the special partners for their management of the partnership, both in law and equity, as other partners.

Fraud.

SEC. 19. *Be it further enacted*, That any partner who is guilty of any fraud in the affairs of the partnership is liable civilly to the party injured to the extent of the damage, and is also guilty of a misdemeanor.

Bankruptcy.

SEC. 20. *Be it further enacted*, That in case of the bankruptcy or insolvency of the partnership, no special partner, under any circumstance, is to be allowed to claim as a creditor until the claims of all the other creditors of the partnership are satisfied.

Dissolution.

SEC. 21. *Be it further enacted*, That no dissolution of such partnership by the acts of the parties must take place before the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of its dissolution has been recorded in the register's office in which the original certificate was recorded, and published once a week for four successive weeks in the nearest newspaper to each of the places where the partnership transacts its business.

**Clerks' and
Registers' fees.**

SEC. 22. *Be it further enacted*, That the clerk of the county court and public register shall be entitled to the following fees for services rendered under this act : for each acknowledgment and probate the clerk shall be allowed fifty cents; for recording the original certificates and acknowledgments, and each transcript of the same, the register shall be allowed one dollar; for recording such affidavit twenty-five cents; making out transcripts and certifying the same, fifty cents, and the same fees on the renewal or continuance of the partnership. [*Ratified the — day of February, 1861.*]

PILOTAGE.

AN ACT TO AMEND THE 4TH SECTION OF AN ACT ENTITLED “AN ACT
FOR THE BETTER REGULATION OF PILOTAGE ON THE CAPE FEAR
RIVER AND BARS,” RATIFIED THE 7TH DAY OF FEBRUARY, 1859. Chap. 29.

SECTION 1. *Be it enacted by the General Assembly of the* Amends former
act.
State of North-Carolina, and it is hereby enacted by the
authority of the same, That the 4th section of an act en-
titled “an act for the better regulation of Pilotage on the
Cape Fear River and Bars,” ratified the 7th day of Feb-
ruary, 1859, be amended by striking out all the words in
said section after the words “in the following manner,
viz:” and insert the words—for every vessel over either of
the bars or inlets of the Cape Fear River drawing six feet
water and under seven [feet,] eight dollars; for every ves-
sel drawing seven feet water and under eight feet, nine
dollars and fifty cents; for every vessel drawing eight feet
water and under nine feet, ten dollars and fifty cents; for
every vessel drawing nine feet water and under ten feet,
twelve dollars; for every vessel drawing ten feet water and
under eleven feet, thirteen dollars and fifty cents; for every
vessel drawing eleven feet water and under twelve feet,
sixteen dollars and fifty cents: for every vessel drawing
twelve feet water and under thirteen feet, twenty dollars;
for every vessel drawing thirteen feet water and under four-
teen feet, twenty-five dollars; for every vessel drawing four-
teen feet water and under fifteen feet, thirty dollars; for
every vessel drawing fifteen feet water and under sixteen
feet, thirty-five dollars; and for every vessel drawing six-
teen feet and over, forty dollars. For every vessel from
Smithville to Wilmington, or *vice versa*, drawing six feet
water and under seven feet, nine dollars; for every vessel
drawing seven feet water and under eight feet, ten dollars
and fifty cents; for every vessel drawing eight feet water
and under nine feet, eleven dollars and fifty cents; for
every vessel drawing nine feet water and under ten feet,
thirteen dollars; for every vessel drawing ten feet water
and under eleven feet, fourteen dollars and fifty cents; for

Establishes
rates of pilotage

every vessel drawing eleven feet water and under twelve feet, seventeen dollars and fifty cents; for every vessel drawing twelve feet water and under thirteen feet, twenty-one dollars; for every vessel drawing thirteen feet water and under fourteen feet, twenty-six dollars; for every vessel drawing fourteen feet water and under fifteen feet, thirty-one dollars; for every vessel drawing fifteen feet water and under sixteen feet, thirty-six dollars; for every vessel drawing sixteen feet water and over sixteen feet, forty-one dollars. For every vessel from Five Fathom Hole to Wilmington, and *vice versa*, drawing six feet water and under seven feet, seven dollars; for every vessel drawing seven feet water and under eight feet, eight dollars; for every vessel drawing eight feet water and under nine feet, nine dollars; for every vessel drawing nine feet water and under ten feet, ten dollars; for every vessel drawing ten feet water and under eleven feet, eleven dollars and seventy-five cents; for every vessel drawing eleven feet water and under twelve feet, fourteen dollars; for every vessel drawing twelve feet water and under thirteen feet, fifteen dollars and fifty cents; for every vessel drawing thirteen feet water and under fourteen feet, nineteen dollars and seventy-five cents; for every vessel drawing fourteen feet water and under fifteen feet, twenty-three dollars and twenty-five cents; for every vessel drawing fifteen feet water and under sixteen feet, twenty-six dollars; for every vessel drawing sixteen feet water and over, twenty-nine dollars. And, the pilotage from Smithville to Brunswick, or from Brunswick to Wilmington, or *vice versa*, shall be one-half the pilotage from Smithville to Wilmington; and the pilotage [from] Smithville to Five Fathom Hole, from Five Fathom Hole to Brunswick, from Brunswick to Campbell's Island, and from Campbell's Island to Wilmington, or *vice versa*, one fourth of the Pilotage from Smithville to Wilmington; *Provided*, That vessels of sixty tons burthen, owned by citizens of this State, shall not be required to take a pilot.

Vessels under sixty tons owned in the State not required to take a Pilot.

SEC. 2. *Be it further enacted*, That all acts, or clauses of acts, coming in conflict with the provisions of this act, be and the same are hereby repealed.

SEC. 3. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

RAPE.

AN ACT TO DECLARE WHAT SHALL BE SUFFICIENT TO CONSTITUTE THE *Chap. 30.*
CRIMES OF RAPE, CARNALLY KNOWING AND ABUSING A FEMALE CHILD
UNDER THE AGE OF TEN YEARS, AND BUGGERY.

WHEREAS, upon trials for the crimes of rape, carnally ^{Preamble.}
knowing and abusing female children under ten years of
age and buggery, offenders frequently escape by reason of
the difficulty of the proof which has been required of the
completion of those several crimes, for remedy whereof,

SECTION 1. *Be it enacted by the General Assembly of the* ^{Proof.}
State of North-Carolina and it is hereby enacted by the
authority of the same, That it shall not be necessary upon
the trial of any indictment, for any of the above named
offences, to prove the actual emission of seed in order to
constitute the offence, but the offence shall be deemed and
taken in law to be complete upon proof of penetration
only.

SEC. 2. That this act shall be in force from and after
its ratification. [*Ratified the 22d day of February, 1861.*]

REGISTRATION.

AN ACT TO EXTEND THE TIME FOR REGISTERING GRANTS, DEEDS AND *Chap. 31.*
OTHER CONVEYANCES.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Extends the}
State of North-Carolina, and it is hereby enacted by the ^{time two years.}
authority of the same, That all grants of lands in the
State, all deeds of conveyance, all conveyances of slaves,
all powers of attorney, and every other instrument in

Proviso.

writing which is required or allowed to be registered within a given time and has not been proved and registered within such time, may be proved and registered within two years after the passage of this act, under the same rules, regulations and restrictions as heretofore appointed by law, and when so proved and registered shall be as good and valid as if they had been duly proved and registered; *Provided*, That nothing herein contained shall be so construed as to extend to mortgages and conveyances in trust, and to marriage settlements.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

REVENUE.

Chap. 32. AN ACT TO AMEND “AN ACT ENTITLED REVENUE,” RATIFIED 16TH DAY OF FEBRUARY, 1859.

Amends act of
16th February,
1859.

Exemptions.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That “An Act entitled Revenue,” which was ratified on the 16th day of February, 1859, be amended in the following particulars, to wit:—In addition to the exemption specified in section 25, there shall also be exempted from taxation all such property and estates, and their profits, as may belong to State and County agricultural societies, and be set apart and used by them for agricultural fairs; and all such, and their profits, as may belong to any church or religious society, and be set apart and used by them for parsonages.

SCHEDULE A.

SEC. 2. The amendments under schedule A, shall be as follows, to wit:

Real estate tax
18 cents on the
\$100.

(1) Real property, with the improvements thereon, including entries of land, shall be taxed annually eighteen cents on every hundred dollars of its value.

(2) The provisions of paragraph (6) shall be construed to extend to interest received or accrued upon the subjects therein named, whether held in one's own right, or as guardian, executor, administrator, clerk, or clerk and master of any Court, or as trustee or agent of any kind whatever, and the person or persons holding any such subject of taxation shall list the same for taxation. Tax on interest.

(3) Every resident of this State owning any bonds of the State of North Carolina, issued after the ratification of this act, shall be liable to a tax of 4 cents on every dollar of interest received from such investment. Tax on State bonds issued after ratification.

(4) Paragraph (7) shall be amended as follows:— Every dollar of nett dividend or profit, not previously listed, declared, received, or due on or before the first day of July in each year, upon money or capital invested in shares in the Bank of Washington, the Merchants' Bank of Newberne, the Bank of Wadesboro', the Bank of Fayetteville, the Commercial Bank of Wilmington, the Farmers' Bank of North Carolina, the Bank of Charlotte, and the Bank of Yanceyville, shall pay an annual tax of nine cents; and in shares in all other banks, or in any other incorporation, or trading company, or in steam vessels of twenty tons burden or upwards, four cents; and any person listing any dividends of profit of the banks herein specially named, shall be required to list the same, separately from any other dividend or profit, for which he is liable to a tax, and also to specify the name of the bank from which said dividend is due, or has been received. Tax upon dividends and profits.

(5) Every resident surgeon, dentist, physician, lawyer, portrait or miniature painter, daguerrean artist, or other person taking likenesses of the human face, every commission merchant, factor, produce broker, and auctioneer, every State and County officer, (except judges of the supreme and superior courts,) every president and cashier or treasurer of any bank, railroad or other incorporated company, whose annual total receipts and income, in the way of practice, salary, fees, wages, perquisites and emoluments amount to [or] are worth five hundred dollars or Tax upon practice, salaries, fees, wages, &c.

upwards, one per cent. on such total receipts and income; and so much of paragraph (16,) Schedule A., as imposes a tax upon persons other than those herein named, is hereby repealed.

Tax on liquors,
wines and cor-
dials.

(6) That tax imposed by paragraph (17) upon liquors, wines and cordials shall hereafter be four per cent. where it is five per cent., and eight where it is now ten per cent., and this paragraph, so amended, is hereby transferred to Schedule B., and the tax imposed by it shall hereafter be given in and paid under the same rules, regulations and penalties as are prescribed in case of merchants' tax.

Collateral in-
heritance. Re-
turn how to be
made.

(7) To facilitate the collection of the tax on collaterals, every executor or administrator shall return in his inventory, whether the estate of the deceased goes to the lineal or collateral relations or to a stranger, and if to collaterals the degree of relationship of such collaterals to the deceased, under a penalty of one hundred dollars, to be recovered in the name and for the use of the State.

SCHEDULE B.

SEE. 1. The amendments under Schedule B. shall be as follows, to wit:

Broker's tax.

(1) Every money or exchange, bond or note broker, private banker or agent of a foreign broker or banker, shall pay the sum of five hundred dollars for each county in which he has an office or place of business, and every person acting for such broker, whether with or without compensation, shall be held and deemed a broker to all intents and purposes, in the place or county in which he shall so act, and shall be liable for the above tax.

Non-resident
Broker's tax
\$500.

(2) Every person who is not a resident of this State, and who shall come into this State in the capacity of, or as agent for a broker, and with the intention of exercising any of the functions of a money or exchange broker, shall pay the sum of five hundred dollars in each and every county in which he shall act as a broker, which tax shall be collected by the sheriff of the county, and be accounted for as other taxes.

(3) Every person who shall propose to act as broker according to the foregoing section, shall pay the tax to the sheriff of the county in the county in which such broker's business is to be transacted, and take a license for the same, which shall authorize him to act as broker for one year; and any person who shall act without such license shall forfeit the sum of fifteen hundred dollars, to be recovered by the sheriff of the county where such tax may be due, one-third of which shall go to the sheriff, and the remainder shall be accounted for as other taxes, and such person so offending shall be guilty of a misdemeanor.

Brokers' license.

(4) Every non-resident merchant, drummer or agent, who shall come into this State and sell any goods, wares, or merchandise, by sample or otherwise, whether delivered or to be delivered, shall pay a tax of one-half of one per cent. on the gross amount of such sale made in any one year, and shall, before making such sale, obtain a written license from the sheriff of the county in which he proposes to do business, which the sheriff is authorized to issue whenever such person shall give bond with security in the sum of five hundred dollars for the payment of the tax hereby imposed, at the time and under the same rules and regulations as are prescribed for the payment of merchants' tax; and any person violating the provisions of this paragraph shall be liable to a penalty of five hundred dollars, to be collected by the sheriff, four hundred dollars of which shall be accounted for and paid as other State taxes, and he shall be further liable to indictment, as for a misdemeanor.

Non-resident merchants, drummers or agents, to obtain license and give bond.

SCHEDULE C.

SEC. 4. And the amendments under schedule C shall be as follows, to wit:

Tax upon Bank stock to be paid by President and Cashier.

(1.) The president and cashier of the banks herein named, on or before the first day of October in each year, shall pay into the public treasury the following tax on each share of stock owned by individuals or corporations, to wit:

The Bank of Washington, twenty-five cents.
 The Merchants Bank of Newbern, twenty-five cents.
 The Bank of Wadesboro', twelve and a half cents.
 The Bank of Fayetteville, twelve and a half cents.
 The Commercial Bank of Wilmington, twenty-five cents.
 The Farmers Bank of North Carolina, twenty-five cents.
 The Bank of North Carolina, sixty cents.
 The Bank of Lexington, thirty cents.
 The Miners and Planters Bank, thirty cents.
 The Bank of Commerce, thirty cents.
 The Bank of Clarendon, thirty cents.
 The Bank of Cape Fear, sixty cents.
 The Bank of Wilmington, sixty cents.
 The Bank of Charlotte, twelve and a half cents.
 The Bank of Salisbury, sixty cents.
 The Bank of Yanceyville, twenty-five cents.

And any other which may be chartered by this or any future General Assembly, sixty cents on the share of \$100 of such stock, and in that proportion for shares of a less value.

Penalty for
neglect.

And in case the said officers of any bank shall neglect or fail to pay the tax as herein required, said bank shall pay double the amount of said tax, and the same shall be sued for and recovered by the Attorney General in the name of the State, in the superior court of the county of Wake.

Copy of tax list.
Extends time
to Clerk.

SEC. 5. Hereafter the clerks of the county courts shall have until the tenth day of April, in the year ensuing the taking of the tax list, to deliver to the sheriff such a copy thereof, and under the same penalties as are prescribed in the fortieth (40) section of said act. [*Ratified the 23d day of February, 1861.*]

SINKING FUND.

AN ACT FURTHER TO AMEND “AN ACT TO CREATE A SINKING FUND.” *Chap. 33.*

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, That in order to enable the commissioners of the sinking fund to make investments or sales the more expeditiously and with the greater advantage, and otherwise facilitate their operations, they shall have power and authority to appoint proper persons, residing out of this State, as their agent or agents for those purposes; and may make such reasonable allowances as may be usual for such services, and to those ends they may order the public treasurer to procure on such terms as they may prescribe, and remit to such agent or agents the funds to be at any time invested.

Commissioners
may appoint
Agents out of
the State.

Be it further enacted, That in order to avoid loss by spoliation or otherwise, and promote convenience, the commissioners of the sinking fund may, from time to time, in their discretion, order and direct that any bonds or securities for a debt of the State issued by or on behalf of this State, which the commissioners of the sinking fund have purchased or paid, or may purchase or pay, and now or may hereafter hold as a part of the sinking fund, shall be cancelled or burned, and thereupon the same shall be cancelled or burned by the public treasurer, in the presence of the Governor and comptroller, and of at least two of the commissioners of the sinking fund; and in lieu thereof the public treasurer shall execute to the commissioners of the sinking fund a certificate or certificates for the amount or amounts so cancelled or burned, bearing the same rate of interest, payable half yearly, which the original securities themselves bore, and shall also in each case execute a duplicate certificate, which shall be deposited with the comptroller for safe keeping. [*Ratified the — day of February, 1861.*]

How bonds or
securities shall
be cancelled.—
Certificates to
be issued.

SLAVES AND FREE NEGROES.

Chap. 34. AN ACT TO AMEND CHAPTER 107, SECTION 66, OF THE REVISED CODE,
RELATING TO FREE NEGROES HAVING ARMS.

Not to carry or
keep arms.
Fine of \$50.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That chapter 107, section 66, of the Revised Code, be amended to read as follows: If any free negro shall wear or carry about his person or keep in his house any shot gun, musket, rifle, pistol, sword, sword cane, dagger, bowie knife, powder or shot, he shall be guilty of a misdemeanor, and upon conviction fined not less than fifty dollars.

Power to grant
licenses repealed.

SEC. 2. *Be it further enacted,* That all laws empowering the several county courts of the State to grant licenses to free negroes to carry fire arms, be and the same are hereby repealed. [*Ratified the 23d day of February, 1861.*]

Chap. 35. AN ACT TO CHANGE THE RULES OF EVIDENCE IN INDICTMENTS FOR
TRADING WITH SLAVES.

Burden of proof
on defendant.

Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That in all indictments for trading and trafficking with slaves, or for giving or selling liquor to slaves, wherein it is necessary negatively to aver the consent of the owner or manager of the slave to the trading, selling or giving, that the burden of proof shall rest upon the defendant to show that he had a written license or permit, as required by law, to trade, or give, or sell to the slave. [*Ratified the 23d day of February, 1861.*]

AN ACT TO PREVENT FREE NEGROES FROM HIRING OR HAVING THE *Chap. 36.*
CONTROL OF SLAVES.

SEC. 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* That no free negro, or free person of color shall be permitted or allowed to buy, purchase or hire for any length of time, any slave or slaves, or to have any slave or slaves bound as apprentice or apprentices to him, her or them, or in any other wise to have the control, management or services of any slave or slaves, under a penalty of one hundred dollars for each offense, and shall further be guilty of a misdemeanor, and liable to indictment for the same.

Free negroes
not to own, hire
or control
slaves.

SEC. 2. *Be it further enacted,* That this law does not apply, and shall not affect any free negro or free person of color who is the legal owner of any slave at the time of the passage of this act.

Does not apply
to legal owner
at date of ratification.

SEC. 3. *Be it further enacted,* That this law shall take effect from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO PROHIBIT THE EMANCIPATION OF SLAVES BY WILL.

Chap. 37.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That no slave in this State shall hereafter be emancipated by last will and testament, or deed, or other instrument or conveyance to take effect as to said emancipation after the death of the testator or person executing or making such deed, or other instrument or conveyance, but that all such wills, deeds or other instrument or conveyance in so far as they purport to effect such emancipation, shall be null and void; and no slave so attempted to be emancipated, shall pass under any general residuary clause in any last will and testament, but the testator shall be deemed and taken to have died intestate as to such slave. [*Ratified the 31st day of January, 1861.*]

No slave to be
emancipated by
will.

MISCELLANEOUS.

Chap. 38.

AN ACT TO PREVENT DAMAGES BY CAMP FIRES.

Penalty and damages.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That if any wagoner or other person encamping in the open air shall leave his camp without totally extinguishing his camp fire, he shall be liable to a penalty of ten dollars, to be recovered by any person suing for the same, and he shall be further liable for the full amount of damages that any individual may sustain by reason of any fire getting out from said camp, to be recovered by action on the case in the superior court of law for the county in which said camp may be situated, or in which said damage may be done; Provided, That this act shall apply only to the counties of Cumberland, Harnett, Bladen, Moore, Hertford and Chowan. [Ratified the 23d day of February, 1861.]

Proviso.

Chap. 39.

AN ACT TO DIMINISH COSTS ON EQUITY SALES FOR PARTITIONS.

Taxed fee \$10.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That in all cases of petitions in the courts of equity for the sale of real estate for partition among tenants in common, the fee taxed for the solicitors of the petition shall be ten dollars, where the land sold shall bring less than \$500. And the clerk and master shall not be allowed more than ten dollars for his services in making such sale and the title. And no person but the clerk and master shall be appointed to make such sale.*

Allowances for all services except taking testimony or accounts.

SEC. 2. In sales of real estate by decree of a court of equity, allowances for all services except for taking testimony or accounts, shall be as follows: For sales of five hundred dollars or less, not more than ten dollars; for two thousand dollars and not less than five hundred, not more than two per centum; and when the allowance shall amount to forty dollars, any additional compensation shall not exceed the rate of one per centum; *Provided, This section*

shall not extend to any fees for proofs, subpoenas or registration of decrees.

SEC. 3. *Be it further enacted*, That the act passed at the session of 1852, entitled "an act to give to the court of pleas and quarter sessions of the county of Randolph jurisdiction over the sale of real estate for division among joint tenants and tenants in common," be and the same is hereby repealed. *[Ratified the 23d day of February, 1861.]* Repeals act of 1852.

AN ACT TO AMEND AND EXTEND THE PROVISIONS OF THE 6TH SECTION OF THE 48TH CHAPTER OF THE REVISED CODE, ENTITLED "FENCES." Chap. 40.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Dan river, from the town of Madison, in the county of Rockingham, east to the Virginia line, shall hereafter be, and is hereby declared a water course sufficient instead of a fence. *[Ratified the 22d day of February, 1861.]* Dan River declared sufficient instead of a fence.

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1856-7, ENTITLED "AN ACT TO PROVIDE FOR THE PAYMENT OF TALES JURORS." Chap. 41.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the provisions of an act ratified on the 3d day of February, 1857, entitled "an act to provide for the payment of tales jurors," be and they are hereby repealed. Repeals Act 3d February, 1857.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. *[Ratified the 23d day of February, 1861.]*

Chap. 42.

AN ACT PROVIDING FOR HEATING AND LIGHTING THE CAPITOL.

Provides for
heating and
lighting the
Capitol.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Governor and treasurer be and are hereby requested to employ some suitable person to have the halls and such of the rooms of this capitol as they think expedient, comfortably heated by a furnace or some other suitable manner, and lighted with gas, and that the cost for the execution of the work be paid by the treasurer out of any moneys in his hands not otherwise appropriated. [Ratified the 26th day of January, 1861.]

Chap. 43.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE RELIEF OF SUCH PERSONS AS MAY SUFFER FROM THE DESTRUCTION OF THE RECORDS OF PITT COUNTY, OCCASIONED BY THE BURNING OF THE COURT HOUSE," PASSED AT THE SESSION OF 1858-9, TO EXTEND THE TIME OF RELIEF UNDER THE ACT FROM THREE YEARS TO SIX YEARS.

Extends the
time for relief.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That an act entitled "an act for the relief of such persons as may suffer from the destruction of the records of Pitt county, occasioned by the burning of the court house," be and is hereby amended so as to extend the time limited for relief under said act from three years to six years after the first day of January, 1859. [Ratified the 19th day of February, 1861.]

Chap. 44.

AN ACT TO AMEND THE 11TH SECTION 52ND CHAPTER OF THE REVISED CODE.

Adds "and
Tyrrell."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the 52nd chapter and 11th section of the Revised Code be and the same is hereby amended so as to insert after the word Hyde, in said section, the words—and Tyrrel. [Ratified the 25th day of February, 1861.]

AN ACT TO AMEND AN ACT PASSED AT THE PRESENT SESSION OF THE *Chap. 45.*
 GENERAL ASSEMBLY, ENTITLED "AN ACT TO APPOINT A TAX COL-
 LECTOR FOR WAYNE AND OTHER COUNTIES."

SEC. 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* That the provisions of an act passed at the present session of the General Assembly, entitled an act to appoint a tax collector for Wayne and other counties, be extended so as to include Wilson county, Beaufort county, and Green county. Include Wilson,
Beaufort and
Greene.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 22nd day of February, 1861.*]

AN ACT TO APPOINT A TAX COLLECTOR FOR THE COUNTIES OF WAYNE, *Chap. 46.*

HAYWOOD, BURKE, PASQUOTANK, MECKLENBURG, IREDELL, DAVIDSON, ANSON, UNION, JOHNSTON, MADISON, MACON, BUNCOMBE, CALDWELL, ORANGE, CHEROKEE, HENDERSON, PITT, CHATHAM, BERTIE AND SURRY.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That at the first court of pleas and quarter sessions, held for said counties after the first day of January, 1861, and annually thereafter, a majority of the acting justices of said counties being present, the court shall elect, by ballot, a person as tax collector for said counties. County Courts
to elect tax col-
lectors in above
counties.

SEC. 2. *Be it further enacted,* That the person so elected shall enter into three separate bonds, viz: one bond for the collecting and accounting for public taxes: one bond for the collecting and accounting for the county taxes, and one bond for the collecting and accounting for the school taxes, each of which bonds shall be for \$10,000 at least; and the court, when they deem it necessary, may increase the amount of said bond to any sum not exceeding \$50,000, to be approved of by the court; and shall also take Collectors to
give bonds and
take oath.

an oath to be administered by the clerk of said court of pleas and quarter sessions, faithfully to discharge the duties of his office as tax collector, as follows, viz: I, A. B., do solemnly swear, upon the Holy Evangelist of Almighty God, that I will collect and faithfully account for all the taxes which may come into my hands as tax collector, to the best of my skill and ability, so help me God.

Bonds collectable as Sheriffs' bonds.

SEC. 3. *Be it further enacted*, That the tax collector appointed by virtue of this act shall have the same compensation, and be under the same rules and restrictions, and subject to the same penalties, forfeitures and fines, and his bond subject to the same proceedings as the bond of the sheriffs of the several counties of this State are subject to and liable for.

Tax List to be made out and given to Collector.

SEC. 4. *Be it further enacted*, That the clerk of the court of pleas and quarter sessions for said counties shall make out the tax lists and deliver the same to the person appointed by virtue of this act, by the tenth day of April in every year, instead of delivering them to the sheriff as heretofore, under the same pains and penalties as are now prescribed in case of failing to deliver it to the sheriff.

Repeals conflicting laws.

SEC. 5. *Be it further enacted*, That all laws, and clauses of laws, coming within the meaning and purview of this act, be and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 14th day of February, 1861.*]

Chap. 47. AN ACT TO EXTEND THE TIME OF PERFECTING TITLES TO LAND HERETOFORE ENTERED.

Extends time of payment.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons who have entered land according to law since the first day of January, A. D., 1850, and have not paid for the same, shall have until the first day of January, A. D., 1863, to make payment and perfect their titles thereto; *Provided*, That nothing herein

Proviso.

contained shall be so construed as to effect the titles of persons who have heretofore obtained grants to said lands, or the right of junior entries.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO AMEND SECTION 2ND, CHAPTER 118, OF THE REVISED *Chap. 48.*
CODE, ENTITLED "WIDOWS."

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of the second section of the one hundred and eighteenth chapter of the Revised Code, entitled "widows," as requires a jury to lay off a widow's dower, to consist of twelve freeholders in all cases, be and the same is hereby repealed; and hereafter it shall be lawful for the court in which the petition is filed to direct the summoning of not less than five nor more than twelve freeholders for that purpose; and when any number less than twelve shall be directed, such smaller number shall be designated in the order of the court, and the writ of the sheriff, and in all other cases the number shall be twelve, as heretofore. [*Ratified the 23d day of February, 1861.*]

Less than twelve freeholders may be summoned to lay off widow's dower.

AN ACT TO AMEND THE 1ST SECTION OF THE 120TH CHAPTER OF THE *Chap. 49.*
REVISED CODE, ENTITLED "WRECKS."

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the third wreck district in the county of Currituck shall be so altered as to read, from Coffee's inlet to a large pine standing on the main road, about one hundred yards south of Samuel Tillett's sein road south of the grave yard, thence running a due east course from said pine to the sea, and a west course to the sound.

Alters limits.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 50.

AN ACT TO AMEND SECTION 5TH, CHAPTER 81 REVISED CODE, ENTITLED "OYSTERS AND OTHER FISH."

Penalty of \$100. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That any person, either by himself or agent, committing any of the offences or violating any provisions of section 5, chapter 81, Revised Code, entitled "Oysters and other fish," shall be subject to a penalty of one hundred dollars for every offence, to be recovered from either principal or agent in any court having jurisdiction of the same, or on a warrant before a justice of the peace, one half to the person warranting or suing for the same, and the other half to the common school fund of the county wherein the said offence was committed or provision violated. [*Ratified the 23d day of February, 1861.*]

Chap. 51.

AN ACT TO AMEND THE 9TH SECTION OF THE 93d CHAPTER OF REVISED CODE, PUBLIC PRINTING.

Ten copies of laws for Librarian.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the ninth section of the 93d Chapter of the Revised Code be so amended that the Librarian be hereafter furnished with ten copies of the laws of North Carolina, for the purpose of exchanging in his discretion with any legal association in any of the other States who may desire to exchange books with us. [*Ratified the 23d day of February, 1861.*]

RESOLUTIONS

OF A PUBLIC NATURE, PASSED BY THE

GENERAL ASSEMBLY

OF

NORTH-CAROLINA.

1860-'61.

RESOLUTION CONCERNING ARMS.

Resolved, That the Governor be and he is hereby authorized and empowered to engage the services of not more than two persons of skill to aid in the purchase of arms recently ordered by an act of the General Assembly. [*Ratified the 19th day of January, 1861.*]

Governor to engage two persons of skill.

RESOLUTION CONCERNING THE APPOINTMENT OF ADDITIONAL ENGROSSING CLERKS.

Resolved, That the principal clerks of the two houses be authorized to employ such additional number of engrossing clerks as may be necessary to ensure the speedy dispatch of the public business now pending before the General Assembly. [*Ratified the 18th day of February, 1861.*]

Employ necessary clerks

RESOLUTIONS CONCERNING THE APPOINTMENT OF COMMISSIONERS TO
WASHINGTON CITY AND TO ALABAMA.

Commissioners
to Washington
City at propo-
sed consulta-
tion, Feb. 4th,
1861.

Resolved, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country upon the basis of the Crittenden resolutions as modified by the legislature of Virginia, and for the purpose of consulting for our common peace, honor and safety, the Honorable Thomas Ruffin, of Alamance; D. M. Barringer, David S. Reid, John M. Morehead and George Davis, be and they are hereby appointed commissioners to represent North Carolina in the proposed consultation to be held at Washington City on the 4th February, 1861.

Preamble.

And whereas, The State of North Carolina has been invited by the State of Alabama to meet at the city of Montgomery on the 4th February, 1861, for the purpose of framing a provisional as well as permanent government; *And whereas*, North Carolina, as a part of the Federal Union, has no right to send delegates for such a purpose, therefore,

Commissioners
to visit Mont-
gomery, Ala.

2. *Be it resolved*, That for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country upon the basis of the Crittenden resolutions as modified by the legislature of Virginia, and for the purpose of consulting for our common peace, honor and safety, the Hon. David L. Swain, M. W. Ransom and John L. Bridgers, are appointed commissioners to visit Montgomery, Alabama, for the purpose above indicated.

Governor to in-
form Commis-
sioners of their
appointment,
etc.

3. *Resolved further*, That His Excellency, the Governor, be requested immediately to inform the commissioners of their appointment, and upon the refusal of any one of them to serve, report the same immediately to the General Assembly. [*Ratified the 29th day of January, 1861.*]

RESOLUTION TO DEFRAY THE EXPENSES OF THE COMMISSIONER FROM
GEORGIA.

Governor au-
thorized to
draw upon
Treasurer.

Resolved, That His Excellency, the Governor, be and he is hereby authorized to draw upon the public Treasurer for

a sum sufficient to pay the expense of the Hon. Samuel Hall, commissioner from Georgia. [*Ratified the 22nd day of February, 1861.*]

RESOLUTION TO AUTHORIZE THE GOVERNOR TO OFFER ONE THOUSAND DOLLARS REWARD FOR AN ESCAPED CRIMINAL.

Resolved, That the Governor of this State be authorized to offer one thousand dollars reward for an escaped criminal. [*Ratified the 18th day of February, 1861.*]

Authorizes
\$1,000 reward.

RESOLUTION CONCERNING PUBLICATION OF CALL FOR CONVENTION OF THE STATE.

Resolved, That His Excellency, the Governor, be requested forthwith to cause the publication in all the newspapers of the State, the act providing for a convention of the people of North Carolina, and that the Governor be further requested to furnish the sheriff of each county with fifty hand-bills containing notice of the time of the election proposed to be held. [*Ratified the 2d day of February, 1861.*]

Publication and
notice to Sher-
iffs.

RESOLUTION CONCERNING GEOLOGICAL REPORTS.

Resolved, That the Governor be authorized and requested to cause to be distributed to each member of the two branches of the General Assembly nine copies of each of the following geological reports, viz: the Woody Plants of North Carolina, by Rev. M. A. Curtis, D. D.; Agriculture of North Carolina, part 2nd, by Ebenezer Emmons, State Geologist; The Swamp Lands of North Carolina, by Ebenezer Emmons, State Geologist.

Distribution of
documents,

Resolved, That the Governor be requested to deposit the residue of the copies of said reports in the State library, and that the same be disposed of in the manner that may be thought best by the State authorities. [*Ratified the 25th day of January, 1861.*]

Deposit of doc-
uments.

RESOLUTION TO AMEND A RESOLUTION IN FAVOR OF CERTAIN ENTRIES OF
CHEROKEE LANDS PASSED AT THE LAST GENERAL ASSEMBLY.

Amends for the
purpose of re-
imbursing cer-
tain parties.

Resolved, That a resolution of the last General Assembly entitled a "resolution in favor of certain entries of Cherokee lands," be so amended as to authorize the agents of the State for the collection of Cherokee bonds, when it shall appear that there are bonds, such as are described in the aforesaid resolution, and which have passed from under his control, to reimburse the persons who have been required to pay said bonds by transferring to them other Cherokee bonds of like sums; and if any such bonds have been paid to contractors for work on any turnpike road and have not been collected, the agents of the State aforesaid is hereby authorized and required to recall said bonds and substitute other Cherokee bonds in their stead. [*Ratified the 26th day of January, 1861.*]

RESOLUTIONS CONCERNING LIBRARY.

Catalogue to be
made out,
printed, bound
and distributed.

Resolved, That the librarian make out a catalogue of books in the State and legislative libraries, and have the same printed, and that he have fifty copies thereof bound for distribution among other public libraries.

Room to be
painted and
furnished.

Resolved further, That the librarian is hereby authorized to have the library room painted, and to purchase such furniture as may be deemed necessary for the same.

Expenses to be
paid by Treas-
urer on warrant
of Governor.

Resolved, That the expenses incurred under the foregoing resolutions be paid by the treasurer upon the warrant of the Governor. [*Ratified the — day of February, 1861.*]

RESOLUTIONS PROVIDING FOR THE PUBLICATION OF CERTAIN COLONIAL
RECORDS AND LEGISLATIVE PROCEEDINGS.

Journals of
Provincial As-
sembly of 1715.

Resolved by the General Assembly, That the Secretary of State and the State librarian be and they are hereby directed to contract for the printing of one hundred copies

of the following manuscript records now in the office of the Secretary of State, to wit :

1st. Journals of the Assembly of the Province of North Carolina, held in the year 1715.

2nd. Journals of the Assembly of North Carolina, from the year 1754 to the year 1775. Journals from 1754 to 1775.

3rd. Council Book or proceedings of the Governor and Council of North Carolina, from the year 1734 to 1740. Council book from 1734 to 1740.

4th. Council Book or proceedings of the Governor and Council of North Carolina, from the year 1764, till the Revolution. Council book from 1764 till the Revolution.

5th. Journals of the Provincial Congress of North Carolina, from 1774 till the Revolution. Journals from 1774 till the Revolution.

6th. Journals of the General Assembly from the year of Independence to the year 1800, not hitherto published, and not now found in the State library. Journals from 1776 to 1800, not before published.

Resolved further, That the Secretary of State and the State librarian be and are hereby directed to have the colonial records and legislative proceedings herein ordered to be published, printed at the North Carolina Institution for the Deaf and Dumb and Blind. Printed at N. C. Institution for the Deaf, Dumb and Blind.

Resolved further, That the Secretary of State and the State librarian have the said copies of the foregoing records and documents bound and deposited in the office of Secretary of State, subject to the further orders of the General Assembly. [*Ratified the 23d day of February, 1861.* Deposited in office Secretary, of State.]

STATE OF NORTH-CAROLINA, }
OFFICE OF SECRETARY OF STATE, }
April, 1861.

I, RUFUS H. PAGE, Secretary of State, in and for the State of North-Carolina, do hereby certify that the Acts and Resolutions contained in this Pamphlet, are true copies of the original Acts and Resolutions, passed by the General Assembly of this State, at its late Session.

RUFUS H. PAGE, *Secretary of State.*

PUBLIC LAWS

OF THE

STATE OF NORTH CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

FIRST EXTRA SESSION OF 1861:

RALEIGH:

JOHN SPELMAN, PRINTER TO THE STATE.

1861.



PUBLIC LAWS
OF THE
STATE OF NORTH CAROLINA,
PASSED BY THE
GENERAL ASSEMBLY,
AT ITS
FIRST EXTRA SESSION OF 1861.

MILITARY.

AN ACT TO PROVIDE FOR THE MANUFACTURE OF ARMS AND OTHER *Chap. 1.*
MUNITIONS OF WAR.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter the arsenal at Fayetteville shall be an arsenal of construction for the State of North Carolina. Arsenal of construction at Fayetteville.

SEC. 2. The Governor shall appoint and commission some suitable person with the rank of colonel and place him in command of said arsenal with the same pay as officers of like rank in the confederate army. Colonel to command.

SEC. 3. A sufficient number of superintendents and operatives shall be immediately employed by the colonel in charge of the arsenal, and proceed to the manufacture of such arms and munitions of war as the necessities of this State or the Southern States may require. And for this purpose and the purchase of materials, the sum of two hundred thousand dollars is hereby appropriated, to be drawn by the Governor in such sums and at such times as may seem necessary to carry out the provisions of this act. Superintendents and operatives to be employed. \$200,000 appropriated.

Governor to appoint other officers.

SEC. 4. The Governor shall have power to appoint and commission any other officers who may be necessary to the complete organization of said arsenal of construction.

SEC. 5. This act shall be in force from and after its ratification. [*Ratified the 8th day of May, 1861.*]

Chap. 2.

AN ACT TO CREATE A MILITARY BOARD.

Military Board.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That there shall be a military board to consist of three persons, one of whom at least shall be skilled in military affairs; said board shall be appointed by the Governor and continue in office during his term of service, or until removed by him, whose duty it shall be to advise with the Governor relative to the appointment of all military and naval officers, or such other matters respecting naval or military affairs as the General Assembly shall assign to said board.

Principal officer. His duties.

SEC. 2. *Be it further enacted,* That there shall be a principal officer therein, who shall have the charge and custody of all the records, books, papers and accounts appertaining to said board, and shall execute and perform all such duties as shall from time to time be entrusted to him by the Governor, relative to military and naval affairs; he shall keep a record of the transactions in his office, and have supervision of all accounts and returns of adjutant general, inspector general, quarter-master general, commissary general and surgeon general, or other military or naval officer, as may be directed by the Governor.

Military Secretary, rank, etc.

SEC. 3. *Be it further enacted,* That said officer shall be ex-officio chief aid of the Governor, with the rank and the pay of a colonel in the army of the Confederate States of America, and be entitled the Military Secretary of the Executive department, and shall have a clerk, to be appointed by him, who shall receive a salary of one thousand dollars per annum.

SEC. 4. *Be it further enacted*, That the Governor shall have power to convene said board from time to time, and whenever he may deem proper, and shall have power to fill all such vacancies as may occur in said board by death, resignation or otherwise.

Governor to convene Board and fill vacancies.

SEC. 5. *Be it further enacted*, That the members of said board other than the principal officer, shall receive three dollars per day each day they are actually engaged in the service of the State, and the same mileage as is now allowed members of the General Assembly.

Pay and mileage of members of Board.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 10th day of May, 1861.*]

AN ACT TO PROVIDE FOR THE PUBLIC DEFENSE.

Chap. 3.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in order to provide speedily forces to repel invasions and aid the Confederate States of America, maintaining the rightful possession of any portion of territory belonging to each Southern State, and to secure the public tranquility and independence against threatened assaults, His Excellency, the Governor, by the advice of the military board, be and he is hereby authorized to employ the militia, military and naval forces of this State, and to ask for and accept the services of twenty thousand volunteers, who may offer their services either as cavalry, mounted riflemen, artillery or infantry, in such proportion of these several arms as he may deem expedient, to serve for twelve months after they shall be mustered into service, unless sooner discharged, with power, on the part of the Governor, to increase said volunteer force to the number of fifty thousand, if the public exigencies demand it.

Governor to employ the militia, military and naval forces of the State and to call for and accept twenty thousand and twelve months volunteers.

SEC. 2. That the Governor shall arm, clothe and equip said volunteers, except as to mounted men, when mus-

Governor to arm and equip volunteers, &c.

tered into service, and each mounted volunteer shall furnish his own horse and equipments.

Pay, &c., of
volunteers in
actual service.

SEC. 3. That said volunteers shall, when called into actual service, and while remaining therein, be subject to the rules and articles of war of the Confederate States of America, and instead of clothing, every non-commissioned officer or private in any company shall be entitled, when called into actual service, in money to a sum equal to the cost of clothing of a non-commissioned officer or private in the regular army of the Confederate States of America, in case said non-commissioned officers or privates shall furnish their own clothing.

How to be ac-
cepted. Elec-
tion of officers.

SEC. 4. That the said volunteers so offering their services may be accepted by the Governor, by the advice of the military board, in companies, squadrons, battalions or regiments, and the several companies and troops are hereby authorized to elect their own officers, who, when elected, shall be commissioned by the Governor.

Organization
into battalions,
squadrons, reg-
iments, etc.

SEC. 5. That the Governor, with the advice of the military board, is hereby authorized to organize companies so tendering their services into battalions or squadrons; battalions or squadrons into regiments, and regiments into brigades, and brigades into divisions, whenever in his judgment such organizations may be expedient; and whenever brigades or divisions, as well as regiments, shall be organized, the Governor, by and with the advice of the military board, shall appoint the commanding officers for such brigades and divisions, in the manner hereinafter directed, who shall hold their offices only while such brigades and divisions are in service; and such officers so appointed shall have power to appoint staff-officers of like number and like rank as officers of the same rank in the regular army of the Confederate States of America are empowered to appoint.

Compensation
for horses, etc.

SEC. 6. That whenever said volunteers are called and received into service under the provisions of this act, they shall have the same organization, and shall have the same pay and allowance as may be provided for the regular army of the Confederate States of America; and all

mounted non-commissioned officers, privates, musicians and artificers shall be allowed forty cents per day for the use and risk of their horses; for horses killed in action, or dying in actual service, volunteers shall be allowed compensation according to their appraised value at the date of muster into service, and the Governor shall have such appraisement made.

SEC. 7. That the Governor, by and with the advice and consent of the military board, shall appoint a major general for each division of said corps of volunteers, and a brigadier general for each brigade, and the commissioned company officers of each regiment shall elect a colonel, lieutenant colonel and major for such regiment.

Appointment of General officers. Election of field officers.

SEC. 8. That whenever said volunteers shall be called into service in such numbers that the officers of the quartermaster, commissary and medical departments are not sufficient to provide for the supplying, quartering, transporting and furnishing them with the requisite medical attendance, it shall be lawful for the Governor to appoint as many additional officers of said departments as in his judgment the public service may require, with such rank as like officers hold in the regular army of the Confederate States of America, and with like pay and allowances; and the Governor is hereby required to exact of the public officers who are subordinate to him in the military department, such bonds with good sureties for the faithful performance of their duties as in his judgment the public safety may require him to demand.

Governor authorized to appoint additional officers in Quartermaster's, Commissary's and medical departments.

SEC. 9. That the Governor may prescribe rules for the government and drilling of said volunteers, and have printed and distributed such works and treatises on military science as he may deem expedient, the expenses of such printing and distribution to be paid out of the public treasury.

Governor to establish rules and have them printed.

SEC. 10. That the Governor shall have power to muster said companies, squadrons, battalions, regiments or divisions into service at any point in the State where he may designate, and to form encampments of the same at such places as he may deem expedient; and he is further au-

Governor to form encampments, tender services, etc.

thorized to tender the services of said volunteer force, or any part thereof, to the Confederate States of America, and have them mustered into the service of said Confederate States of America, or any one of the slaveholding States.

Pay and allowances.

SEC. 11. That said volunteers, both officers and privates, shall be entitled to the same pay and allowances, and emoluments, as are allowed to the officers and privates in the regular army of the Confederate States of America.

Number of members and officers in each company.

SEC. 12. That each company organized under this act shall consist of not less than sixty-four privates, nor more than one hundred, unless the Governor shall otherwise direct, and each company shall be officered by one captain, one first lieutenant, one second lieutenant, and one third lieutenant, who shall rank as brevet second lieutenant, to be elected by the vote of the company, and commissioned by the Governor, and four sergeants and four corporals to be appointed by the respective captains.

Bond for safe keeping and return of arms.

SEC. 13. That in the distribution of the arms of the State to the volunteer corps, the Governor may, at his discretion, require a bond payable to the State of North Carolina, with sufficient security from the captain of each company to whom such arms shall be distributed, for the safe keeping and return of the same.

Governor to appoint drill masters.

SEC. 14. That the Governor shall have power to appoint such drill masters for companies, squadrons, battalions or regiments, with such rank as he may assign them as in his opinion the safety and defense of the State may require.

Governor to designate uniform.

SEC. 15. That the Governor may fix and designate the uniform of the several companies, and in default of such designation by the Governor each company may determine upon its own uniform.

Repeals former laws.

SEC. 16. That all laws and clauses of laws which are in conflict with this act, be and the same are hereby repealed.

Bounty of ten dollars.

SEC. 17. That each volunteer shall be entitled to and receive on the day he is mustered in the service, a bounty of ten dollars, to be paid out of the public treasury.

SEC. 18. That this act shall be in force from and after its ratification. [*Ratified the 10th day of May, 1861.*]

AN ACT TO PROVIDE WAYS AND MEANS FOR PUBLIC DEFENSE.

Chap. 4.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That five millions of dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to meet the demands upon the public treasury for the next ensuing two years, which sum shall be raised and provided for in the way and manner following:

Appropriates
\$5,000,000.

SEC. 2. The public treasurer is hereby authorized and required at as early a day as practicable to have suitably prepared and to issue treasury notes payable to bearer, upon the faith and credit of the State, to the amount of five hundred thousand dollars of the various denominations of five, ten, twenty-five, fifty, one hundred and two hundred cents in the following proportions, viz: ten thousand dollars in bills or notes of five cents; ten thousand dollars in notes or bills of ten cents; ninety-five thousand dollars in bills or notes of twenty-five cents; fifty thousand dollars in bills or notes of fifty cents; two hundred and five thousand dollars in bills or notes of one hundred cents, or one dollar; and two hundred thousand dollars in bills or notes of two hundred cents, or two dollars, which notes shall bear no interest, and which shall be receivable in payment of all public dues and redeemable in specie or current notes on or before the first day of January, eighteen hundred and sixty-six.

Authorizes
Treasury notes
of different de-
nominations to
the amount of
\$500,000.

SEC. 3. The public treasurer is hereby authorized and required to negotiate a loan with the several banks of the State for a sum not exceeding in the aggregate one million dollars, for which he shall issue the bonds of the State renewable annually and bearing six per cent interest, payable at the end of each and every year, and which bonds shall be payable at such time as the Legislature may hereafter direct.

Authorizes a
loan of \$1,000,
000 at 6 per
cent.

SEC. 4. *Be it further enacted,* That if the above sum of one million and five hundred thousand dollars shall not be sufficient to meet the demands upon the public treasu-

Treasury notes
to amount of
\$1,000,000.

ry during the next two years, then in that case the public treasurer is hereby authorized and required to issue treasury notes upon the faith and credit of the State to the amount of one million dollars in notes of the various denominations of three, four, five, ten, twenty, fifty, and one hundred dollars, and the total amount of each respective denomination shall be as nearly as may be the same, which notes shall bear no interest, and are hereby made and declared to be receivable in payment of all public dues; these notes shall be made payable to bearer, signed by the public treasurer and countersigned by the comptroller. The public treasurer and comptroller shall each provide a book in which shall be kept an accurate account of all the notes of the various denominations paid out under the various provisions of this act, and also an accurate account of all sums returned, which books shall at all times be open to the inspection of the General Assembly; and for the keeping of such books they shall each, if absolutely necessary, be allowed to employ some suitable person to act as clerk.

Public Treasurer and Comptroller to keep books.

Authorizes further loan of \$500,000.

SEC. 5. *Be it further enacted*, That if the above sum of two millions and five hundred thousand dollars as above provided for shall be insufficient to meet the demands on the public treasury during the next two years, then and in that case the public treasurer is hereby authorized and required to borrow the further sum of five hundred thousand dollars in the same way and manner as provided for in the third section of this act.

Authorizes further issue of Treasury notes to amount of \$500,000.

SEC. 6. *Be it further enacted*, That if the sum of three million dollars as above provided for shall not be sufficient to meet the demands upon the public treasury during the next two years, then and in that case the public treasurer is hereby authorized and required to issue the additional sum of five hundred thousand dollars in treasury notes, in the same way and manner in all respects as provided for in the fourth section of this act.

Loan of \$750,000. Issue of Treasury notes.

SEC. 7. *Be it further enacted*, That if the above sum of three million and five hundred thousand dollars shall not be sufficient to meet the demands upon the public

treasury during the next two years, then and in that case the public treasurer is hereby authorized and required to borrow from the several banks a sum not exceeding seven hundred and fifty thousand dollars in the same way and manner as provided for in the third section of this bill, and if that sum shall be insufficient to meet the demands upon the public treasury during the next two years, or if he should fail to negotiate a loan for such sum, or any part thereof, he is hereby authorized and required to issue treasury notes in the same way and manner in all respects as provided for in the fourth section of this bill, to an amount not exceeding five million dollars, including the several amounts authorized to be issued and borrowed by him under the various sections and provisions of this act.

SEC. 8. *Be it further enacted*, That no bank of this State shall be required to resume specie payments while any portion of the amounts above authorized to be borrowed from such bank shall remain unpaid.

Banks not to be required to resume specie payments, etc.

SEC. 9. If any person shall falsely make, forge or counterfeit, or cause the same to be done, or willingly aid or assist therein, any note in imitation of, or purporting to be, a treasury note, issued by the authority of this act, with the intent to defraud the State, the person so offending shall be deemed guilty of felony, and on conviction thereof in the superior court, he shall be adjudged to stand in the pillory one hour, and receive thirty-nine lashes on his bare back, and be imprisoned not less than six months nor more than three years, and fined at the discretion of the court, and all or any of such punishment may, at the discretion of the court, be inflicted.

Penalties for forgery, with intent to defraud the State

SEC. 10. If any person either directly or indirectly, whether for the sake of gain or with intent to defraud or injure any other person, shall utter or publish any false, forged or counterfeit notes as is mentioned in the preceding sections, or shall pass or deliver, or attempt to pass or deliver the same to another person, knowing the same to be falsely forged or counterfeited, the person so offending shall, on conviction thereof in the superior court,

Defrauding Individuals.

be punished in like manner as is provided in the preceding section of this act.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

Chap. 5. AN ACT TO PROVIDE FOR THE ORGANIZATION OF THE DEPARTMENTS OF THE MILITARY SERVICE AND FOR OTHER PURPOSES.

Heads of departments to make rules, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the heads of the various departments in the military service of the State shall be authorized, by and with the consent of the Governor, to make all rules and regulations for the complete organization of their respective departments; *Provided*, such rules and regulations shall not be inconsistent with the constitution and laws of North-Carolina, and such rules and regulations when made and approved by the Governor shall have the force of law, and be binding upon all persons subject thereto.

Clerks and messengers.

SEC. 2. There shall be allowed to the adjutant general, the quarter-master and paymaster general, the adjutant and inspector general, the commissary general of subsistence, and the surgeon general, each a clerk, whose salary shall not exceed five hundred dollars; two messengers for all the departments of government, whose salary shall not exceed two hundred dollars, and each department may employ a messenger, if deemed necessary, at the same salary.

Officers already appointed.

SEC. 3. All military officers who have been heretofore appointed by the Governor and in the service of the State shall receive the pay of their respective grades in the army of the Confederate States, from the time of their appointment until the 15th of May, 1861, for those stationed in the city of Raleigh, and to the 20th of the same month for those stationed elsewhere, at which time the said appointment shall cease unless confirmed in the man-

ner provided in the act providing for the raising of ten thousand State troops, which was passed at the present session, and the said officers shall be paid out of any money appropriated for defraying the expenses of the war.

SEC. 4. This act shall be in force from and after its ratification. [*Ratified the 13th day of May, 1861.*]

AN ACT TO RAISE TEN THOUSAND STATE TROOPS.

Chap. 6.

SECTION 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the Governor shall immediately after the passage of this act proceed to raise by voluntary enlistment a division or corps of ten thousand men to serve during the present war, unless sooner discharged. The troops of this corps shall be known as the State troops of North Carolina.

Division of ten thousand.

SEC. 2. *Be it further enacted,* That this division shall consist of a corps of artillery and engineers; one regiment of cavalry and eight regiments of infantry; light infantry and riflemen to be recruited under the general direction of the Governor and in conformity with such regulation as he may prescribe.

How constituted.

SEC. 3. The corps of artillery and engineers shall consist of not exceeding eight companies or batteries of light and heavy artillery, with one colonel, chief of artillery and engineers; one lieutenant colonel, two majors, (one quarter-master and one commissary, with the rank of first lieutenant, and one adjutant, all to be appointed by the colonel, the last from the first lieutenants of the corps,) one sergeant major, one quarter-master sergeant, ten captains, sixteen first lieutenants and sixteen second lieutenants. Each company shall consist of one first sergeant, one quarter-master sergeant, three sergeants, four corporals, two buglers, two artificers; (and in addition for each light company, one farrier and one blacksmith,) and ninety privates; each company to have one captain and four lieutenants to be assigned by the colonel or other com-

Artillery and Engineers.

manding officer. The chief of the corps shall detail such commissioned officers as may be necessary to perform the duties of the engineer and ordnance departments; officers so detailed are subject at any time to be relieved from such duties by the chief. All officers of this corps shall be subject to the same rules and regulations as to command which govern the officers of infantry and cavalry; *Provided*, That officers specially detailed on engineer and ordnance duty shall not assume or be ordered on any other duty while so detailed, except by order of the commander-in-chief.

Proviso.

Cavalry, infantry, light infantry, or riflemen

SEC. 4. The regiment of cavalry shall consist of one colonel, one lieutenant colonel, two majors, (one commissary and one quarter-master, with the rank of first lieutenant, and one adjutant, with the rank and command of first lieutenant, all of whom shall be appointed by the colonel;) one sergeant master, one quarter-master sergeant, one commissary sergeant and ten troops; each troop shall consist of one captain, one first lieutenant, two second lieutenants, one first sergeant, one quarter-master sergeant, four sergeants, four corporals, two buglers, one farrier, one saddler, and from sixty-four to ninety privates. Each regiment of infantry, light infantry or riflemen shall consist of one colonel, one lieutenant colonel, one major, (one commissary and one quarter-master with the rank of first lieutenant, and one adjutant with the rank and command of first lieutenant, all to be appointed by the colonel;) one sergeant major, one quarter-master sergeant, one commissary sergeant and ten companies; each company to consist of one captain, one first lieutenant and two second lieutenants, one first sergeant, four sergeants, four corporals, two musicians and from sixty-four to ninety privates.

Additional officers of corps or division.

SEC. 5. This corps or division shall have the following officers, in addition to those already provided for, viz: one major general, three brigadier generals, one quarter-master and paymaster general, one adjutant and inspector general, and one commissary general, all with the rank of colonel, and one surgeon general with the assimilated

rank of colonel; six assistant adjutants and inspectors general, to rank as follows: one lieutenant colonel, one major and four captains; eight assistant quarter-masters and paymasters general, to rank as follows: one lieutenant colonel, two majors and five captains, six assistant commissaries general of subsistence, to rank as follows: one lieutenant colonel, one major and four captains, ten surgeons with the assimilated rank of major, and not exceeding ten assistant surgeons with the assimilated rank of captain, and ten with the assimilated rank of first lieutenant, and to each regiment one chaplain with the pay of major, and one assistant chaplain with the pay of captain.

SEC. 6. The Governor shall, by and with the advice and consent of the military board, appoint the commissioned officers provided for in this act, (except the aids-de-camp;) the commissary officers shall be appointed and ordered to recruit their respective companies, and as soon as they can complete the same to sixty-four privates, with the required non-commissioned officers, and report the fact to the adjutant and inspector general, their commissions shall be issued and bear date from the time of their appointment. Should any captain fail to raise his company in a reasonable time, the Governor, by and with the consent of the military board, may revoke his appointment.

Appointment
of commission-
ed officers.

SEC. 7. The major general may appoint two aids-de-camp, with the rank as follows: one captain and one first lieutenant. Brigadier generals may appoint one aid-de-camp, with the rank of first lieutenant, to be taken from the brigades.

General's Aids.

SEC. 8. All the officers and men of this division or corps shall, at and before their entrance into the service, take an oath to be prescribed by the Governor, by and with the consent of the military board, and shall also be subject to the rules, regulations and penalties of the articles of war and army regulations of the army of the Confederate States of America.

Oath, etc.

SEC. 9. The pay, clothing, subsistence and allowances shall be the same for officers and men as are now provi-

Clothing, sub-
sistence, etc.

ded by law for the troops of the army of the Confederate States of America.

Uniform.

SEC. 10. The uniform for this corps shall be prescribed by the Governor on the recommendation of a board of competent military officers to be assembled for that purpose.

Act for militia
corps when re-
quired.

SEC. 11. The quarter-master and paymaster general, the adjutant and inspector general, the commissary general and the surgeon general, together with their assistants herein provided for, shall also perform the duties belonging to their respective departments for the volunteer and militia corps of the State, when required by the Governor.

Bonds.

SEC. 12. The quarter-master and paymaster general, the commissary general and their assistants, and all other disbursing officers shall, before entering upon their duty, give bond with approved security, payable to the State, for the faithful performance of their duties, in such sum as the Governor may require.

Bounty \$15-

SEC. 13. Every enlisted man shall receive a bounty of fifteen dollars, payable when mustered into service.

SEC. 14. All laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 15. This act shall be in force from and after its passage. [*Ratified the 8th day of May, 1861.*]

Chap. 7.

AN ACT TO PROVIDE FOR THE TIME WHEN VOLUNTEERS SHALL RECEIVE
PAY FOR THEIR SERVICES.

Pay of volun-
teers.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That in all cases in which any company of volunteers may have been or may hereafter be enlisted and organized under the proclamation of His Excellency, the Governor, and shall have been tendered to the Governor, the said volunteers shall receive, from and after they have been so tendered and accepted by the Governor, the same pay and rations, both the officers and privates, as are received by volunteers after they have been mustered and received into the service of the State, and

that hereafter the expenses incurred by them in organizing and in their transportation previous to their being mustered and received into service shall be refunded, whether the same shall be incurred by the commanding officer of the company, counties, corporations or individuals; *Provided*, Proviso. *however*, That proof shall be made to the satisfaction of the Governor of the amount they expended, and that the same was necessary and proper for the volunteers aforesaid.

SEC. 2. *Be it further enacted*, That the Governor shall have power to draw upon the Treasury for the sum necessary to carry out the provisions of this act. Governor to draw on the Treasury.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO ESTABLISH TELEGRAPHIC LINES IN THIS STATE.

Chap. 8.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Governor of the State be, and he is hereby authorized and empowered to have erected and established all such telegraphic lines and communications in this State as in his judgment may be necessary for our safety and defense. Governor to have telegraphic lines erected.

SEC. 2. That the Governor have authority to employ suitable persons to operate said telegraphic lines, and that the expenses of constructing said lines and the compensation for said employees be paid by the treasurer upon the warrant of the Governor. Operators to be employed.

SEC. 3. That the Governor is further authorized, whenever the public safety demands, to take possession of and control the telegraphic lines already erected in this State and employ suitable persons to take charge of the same, making such arrangement for the use thereof with the owners as he may deem just and proper. Governor to take possession of lines.

SEC. 4. That this act shall be in force from and immediately after its ratification. [*Ratified the 10th day of May, 1861.*]

MISCELLANEOUS.

Chap. 9.

AN ACT TO AUTHORIZE AND REQUIRE THE GOVERNOR OF NORTH CAROLINA
TO CALL A CONVENTION OF THE PEOPLE OF THIS STATE.

Governor to issue proclamation ordering election of delegates.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* (two-thirds of all the members of each House concurring,) That upon the passage of this act, His Excellency, the Governor, be and he is hereby authorized and required to issue his proclamation, ordering an election to be held in each and every county in this State, on Monday, the thirteenth day of May, A. D., 1861, upon the federal basis, for delegates to a convention of the people of this State, to convene at the seat of government, in Raleigh, on Monday, the twentieth (20th) day of May, in the year of Our Lord one thousand eight hundred and sixty-one.

How elections are to be held.

SEC. 2. That the said election for delegates shall be held and conducted in the same manner and at the same places as elections for members of the General Assembly are now held in this State, and the vote shall be counted and the scrolls compared and certificates issued to the delegates elect in the manner prescribed by law in the case of an election for members of the House of Commons.

In case of vacancy presiding officer to issue writ to Sheriff.

SEC. 3. That in case any vacancy shall occur by the death, resignation or removal from the State, or by the refusal to serve of any person elected a delegate to said convention, the presiding officer of the convention shall issue his writ, directed to the sheriff of the county in which such vacancy may have occurred, after giving such notice as may be ordered by the convention, to open a poll and hold an election to fill such vacancy in the same manner and under the same rules and regulations as are hereinbefore prescribed for the election of the original delegates.

Convention to consist of 120 delegates.

SEC. 4. That the said convention shall consist of one hundred and twenty delegates, and each county in the State shall be entitled to elect the same number of delegates to the said convention as it now has of members of the House of Commons under the last apportionment.

SEC. 5. That the members of said convention shall be entitled to same mileage and per diem pay received by members of the General Assembly, to be paid out of the treasury, in the same manner as the said members are now paid, and said convention shall by vote fix the pay of all their officers and of any delegates or representatives whom they may appoint to any convention or congress, and shall provide for all other expenses incurred by said convention, to be paid out of any moneys in the treasury in the manner they may direct.

SEC. 6. That this act shall be in force from and after its ratification. [*Ratified the 1st day of May, 1861.*]

AN ACT AUTHORIZING VOLUNTEERS TO VOTE FOR DELEGATES TO THE CONVENTION, AND SUPPLEMENTAL TO A ACT [BILL] PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY ENTITLED A ACT [BILL] TO AUTHORIZE AND REQUIRE THE GOVERNOR OF NORTH CAROLINA TO CALL A CONVENTION OF THE PEOPLE OF THIS STATE. Chap. 10.

SECTION. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That volunteers who have tendered their services to the Governor and left their homes shall have the right to vote for delegate or delegates to the convention, within their respective encampments, precisely as if they were still residing in their several counties, and to that end the captain, or in case of the absence of the captain, the other officer in command of the several companies, shall open polls in their respective camps for an election for delegates to the convention on the 13th day of May, 1861, which election shall be conducted in the same manner and under the same rules and regulations as elections for members of the House of Commons are held and conducted, the captains of the several companies exercising the same power over the election in camp as the sheriffs have and exercise at the precincts in their respective counties.

Captains to re-
vise scrolls and
make certificate

SEC. 2. That the captains of the several companies shall examine the scrolls and compare the vote held in their camps and shall certify the result of said vote to the sheriffs of the several counties from which the volunteers may come, and the sheriffs in all the counties that have furnished volunteers shall compute the vote of said volunteers as certified to them as aforesaid in determining the result of said election, and the sheriffs of the counties that have tendered volunteers who have left their homes shall not declare the result of said election or furnish certificates to any person as delegate elect until 4 o'clock, P. M., on Thursday next succeeding the day of election. [*Ratified the 8th day of May, 1861.*]

Sheriff to make
returns.

Chap. 11. AN ACT TO MAKE VALID CERTAIN IRREGULAR PROCEEDINGS OF THE COUNTY COURTS OF THIS STATE, AND FOR OTHER PURPOSES.

Preamble.

WHEREAS, the county courts of several of the counties of this State, either at their regular term or at special terms, in response to the late call of the Adjutant General for volunteers, did pledge the faith and credit of their respective counties for provisioning, equipping and transporting the volunteers of said counties; and, whereas, divers patriotic individuals in said counties have voluntarily advanced money and means required for said purposes; therefore,

Affirms pro-
ceedings.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all acts and proceedings of any county court of this State, either at its regular term or at a special call of the magistrates thereof heretofore had for the purposes above stated be legalized and are hereby confirmed.

County Courts
to levy taxes.

SEC. 2. *Be it further enacted,* That the county courts of said counties, a majority of the justices being present, are hereby authorized and empowered to levy taxes on all subjects of taxation in this State to pay the liabilities thus incurred, and to reimburse those individuals who have voluntarily advanced their means for the purposes above stated.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO REPEAL RESTRICTIONS UPON FISHING.

Chap. 12.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all acts and parts of acts now in force, in any way restricting the fishing or hauling of seines upon the waters of the Albemarle sound, the Roanoke and Cashie and Chowan rivers and their tributaries, be and the same are hereby repealed so as to apply to the springs of 1861-62. Repeals certain other acts.

2. Be it further enacted that this act shall be in force from and after its ratification. [*Ratified the 1st day of May, 1861.*]

AN ACT TO REPEAL 5TH SECTION OF THE 76TH CHAPTER OF THE REVISED CODE, ENTITLED "OATHS."

Chap. 13.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the fifth section of the 76th chapter of the Revised Code be and the same is hereby repealed, and that it shall not be lawful to administer to any officer within this State any oath or affirmation to support the constitution of the United States. Repeals 76th Section Revised Code.

SEC. 2. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 2d day of May, 1861.*]

AN ACT FOR PATROL.

Chap. 14.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That three justices of the peace, if they deem Three Justices to appoint.

it necessary, shall have the power to assemble at any time and at any place within their district when a patrol is needed, and then and there appoint and employ such a number of persons as they may think necessary to patrol said district, said patrol to be under the same rules and regulations as are prescribed in chapter eighty-three of the Revised Code. [*Ratified the 9th day of May, 1861.*]

Chap. 15.

AN ACT TO AUTHORIZE THE COUNTY COURTS AND CORPORATE TOWNS AND CITIES TO LAY TAXES FOR POLICE PURPOSES.

County Courts
and town au-
thorities to
make appropri-
ations and lay
taxes.

Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, That the courts of pleas and quarter sessions of this State, a majority of the justices being present, and the mayor and commissioners of incorporated towns and cities shall have power to make appropriations of money and levy taxes upon all subjects of taxation now taxed for State purposes to raise the same for the purpose of raising, equipping and paying any police force which they may deem necessary for the protection of the citizens or property of the county, town or city, and for the further purpose of rendering aid and support to the indigent families of persons engaged in the military service of the State; and for these purposes the said courts, town or cities shall have power to borrow money upon the faith and credit of the county, town or city, for which certificates shall be issued and signed on behalf of the counties by the chairman, and countersigned by the clerk of the court, and on behalf of the towns and cities, by the presiding officer of the board of commissioners and countersigned by the secretary of said board.

Appoint
Agents.

SEC. 2. That said courts, towns and cities shall appoint agents to receive and disburse said funds, and shall take from them bonds payable to the State, with approved security, conditioned for the faithful performance of their duties and accounting for and paying over said funds to the proper persons, and the said courts, towns or city au-

thorities shall direct to what object the money shall be applied.

SEC. 3. That the taxes by this act authorized may be levied at any term on the part of the authorities of any town or city, and on the part of the counties at any term of the court, and five justices of the peace shall have power to call a special term at any time, for the purpose of taking this subject under consideration; *Provided*, That no business other than that contemplated by this act shall be transacted at such special term. Taxes to be levied at any term.

SEC. 4. That said courts and corporate authorities shall have power to direct when and in what manner the lists of said taxes shall be made out, and the time and manner of collecting the same.

SEC. 5. That the sheriff or town collector and his sureties shall be liable upon their official bonds for faithful collecting and paying over the taxes by this act. [*Ratified the 11th day of May, 1861.*]

AN ACT TO PROVIDE AGAINST THE SACRIFICE OF PROPERTY AND TO SUSPEND PROCEEDINGS IN CERTAIN CASES. Chap. 16.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That no execution of *fiery facias* or *venire exonas*, founded upon a judgment in any suit or action for debts and demands due on bonds, promissory notes, bills of exchange, covenants for the payment of money, judgments, accounts and all other contracts for money, demands or contracts for specific articles other than those upon official bonds or in favor of the State or against non-residents, shall be issued from the passage of this act by any court of record or magistrate, for the sale of property, until otherwise provided by law: nor shall there be any sales under deeds of trust or decrees, unless by the consent of parties interested, until otherwise provided by law. No executions or sales under execution.

SEC. 2. Where such executions have issued and are now in the hands of officers, whether levied or not, the officer

having such executions shall return the same to the magistrate or court from whence they issued, without further execution thereof, and executions upon the same judgments shall not issue again until the operation of this act ceases: *Provided*, That this act shall not be construed to discharge the lien which has already been acquired by the taking out such execution.

Proviso.

No jury trials in civil cases.

SEC. 3. There shall be no trials of any cases requiring the intervention of a jury, nor upon warrants before a justice of the peace, in any suit or action for debts or demands due on bonds, promissory notes, bills of exchange, covenants for the payment of money, judgments, accounts and all other contracts for money, demands or contracts for specific articles.

Public liabilities.

SEC. 4. This act shall not apply to liabilities upon the part of public officers, either to the State, counties, corporations or individuals, nor to State, county or corporation taxes, nor to debts hereafter contracted, nor to debts due the State, nor to debts due from non-residents, nor to the annual collection of interest: *Provided*, That no note, bill of acceptance, or other obligation, the consideration of which is any debt or obligation at present existing, shall be held or considered as a debt hereafter contracted.

Proviso.

Interest.

SEC. 5. The interest which has accrued since the first day of January, A. D., 1860, or which may hereafter accrue upon any bond or promissory note which was payable before the passage of this act, may be collected by action of debt or assumpsit, before any justice of the peace, if the amount of interest sued for be within his jurisdiction, and if not then, in the county or superior court: *Provided, however*, That no warrant or suit shall be brought, except for the interest of one year or more, always making an even number by computing the time from the day when the interest upon such bond or promissory note began to accrue.

Proviso.

Removal.

SEC. 6. That any person who is about to remove his property out of the State, without the consent of his creditors, shall not be entitled to the benefit of this act.

Mortgages, etc.

SEC. 7. That all mortgages and deeds in trust, for the

benefit of creditors, hereafter executed, whether registered or not, and all judgments confessed during the continuance of this act shall be utterly void and of no effect.

SEC. 8. The time during which this law is in force shall Limitation. not be computed in any case where the statute of limitation comes in question.

SEC. 9. That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT CONCERNING TAXES.

Chap. 17.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That no person shall hereafter be compelled to list for taxation, any pistol, sword-cane or bowie-knife: nor shall any person be compelled to pay taxes upon such articles, except upon such as have heretofore been listed.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO DEFINE AND PUNISH TREASON AGAINST THE STATE OF NORTH
CAROLINA AND OTHER OFFENCES AGAINST THE SOVEREIGNTY OF THE
STATE. Chap. 18.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That treason shall consist only in levying war against this State, or in adhering to its enemies, giving them aid and comfort, or in establishing, without the authority of the General Assembly, any government within its limits, separate from the existing government, or in holding or executing in such usurped government, any office, or professing allegiance or fidelity thereto, or assisting the execution of the laws, under color of authority from such usurped government: and such treason, if Definition of Treason.

proved by the testimony of two witnesses to the same overt act, or by confession in open court, shall be punished with death.

Information.

SEC. 2. *Be it further enacted*, That if any free person, knowing of any such treason, shall not, as soon as may be, give information thereof to the Governor of this State, or to some conservator of the peace, such person shall be punished by fine and imprisonment at the discretion of the court.

Conspiring
with a slave, etc

SEC. 3. *Be it further enacted*, That if any free person advise or conspire with a slave to rebel or to make insurrection in this State, or with person to induce a slave to rebel or make insurrection, such person shall, upon conviction, suffer death, whether such rebellion or insurrection be made or not.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

RESOLUTIONS
OF A PUBLIC NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA.
AT ITS
FIRST EXTRA SESSION, 1861.

RESOLUTION AUTHORIZING THE GOVERNOR TO ERECT BATTERIES OR
OTHER FORTIFICATIONS, AND TO PURCHASE, OR CHARTER AND EQUIP
SUCH STEAMERS OR OTHER VESSELS AS MAY BE NECESSARY FOR THE
DEFENSE OF THE SEA COAST OF THIS STATE.

Resolved, That His Excellency, the Governor, be and he
is hereby authorized to erect batteries or other fortifications
at or near the inlets of Hatteras and Ocracoke, and at such
other places on our sea coast or rivers as in his judgment
the public safety may demand, and to purchase, or charter
and equip such steamers or other vessels as may be neces-
sary for the defense of the sea coast of this State, and that
he draw on the treasurer for the moneys necessary therefor.
[*Ratified the 11th day of May, 1861.*]

RESOLUTION CONCERNING POST OFFICES AND POST ROADS.

Resolved, That in the event the mail service in this State
should be discontinued, His Excellency, the Governor, be

authorized and empowered to take charge of the post offices and to provide a continuance of the mail service on such routes now in operation as he may deem the public interest required, until such time as provision shall be made for the same, either by the convention or at some future session of the General Assembly.

Draw on Treasurer.

Resolved further, That to enable the Governor to carry into execution the foregoing resolution he be authorized to collect postage at the rates now charged, and to draw on the public treasurer for such sums of money as may be necessary to defray the expenses over and above the receipts from postage. [*Ratified the 11th day of May, 1861.*]

RESOLUTION AUTHORIZING AND REQUESTING THE GOVERNOR TO COMMISSION SUCH OFFICERS OF NORTH CAROLINA AS HAVE RESIGNED OR MAY HEREAFTER RESIGN THEIR COMMISSION IN THE ARMY AND NAVY OF THE UNITED STATES.

Resolved, That if any officers have resigned or shall hereafter resign in the army and navy of the late United States, being citizens of this State, His Excellency, the Governor, is hereby authorized to commission said officers in the army and navy of North Carolina, and the said officers shall receive the same rank and pay as officers of similar rank in the service of Confederate States of America. [*Ratified the 11th day of May, 1861.*]

RESOLUTION AUTHORIZING THE GOVERNOR OF THE STATE TO PROVIDE FOR THE PROVISIONING OF TROOPS WHILE THEY ARE PASSING THROUGH THIS STATE.

Resolved, That the Governor of the State be authorized and required to provide for the proper provisioning, while they are passing through this State, of such troops from the Southern States as may go through this State on their way to Virginia, and pay the necessary expenses for the same out of any money in the treasury. [*Ratified the 10th day of May, 1861.*]

RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSION.

Resolved. That His Excellency, the Governor, be authorized to appoint a commission to consist of one person to represent the State of North Carolina at the Government of the Confederate States in Montgomery, Alabama, until the convention of the people, soon to assemble, shall act upon the subject, and that the Governor be authorized to draw upon the treasury for a sum of money sufficient to defray the ordinary expenses of the commission. [*Ratified the 9th day of May, 1861.*]

RESOLUTION OF THANKS TO HIS EXCELLENCY THE GOVERNOR OF THE STATE.

Resolved, by the General Assembly of the State of North Carolina, That we heartily approve of the prompt action of our Governor, John W. Ellis, in taking possession of the forts and the arsenals which belonged to the Federal Government, and patriotic motives which led to their capture. That in calling out the troops and his noble efforts to put the State in a posture of defense, he has rendered important service, for which our thanks are due and hereby tendered. [*Ratified the 9th day of May, 1861.*]

RESOLUTION ON FEDERAL RELATIONS.

WHEREAS, Abraham Lincoln has been and is still endeavoring to raise money upon the faith and credit of the so called United States Government, for the purpose of waging a wicked, unjust, unholy and unconstitutional war upon the Southern States: and whereas North Carolina is neither morally or legally bound to pay or in any wise contribute to the payment of any debt incurred by the said government since the 4th day of March last: Now, therefore, to the end that there may be no misapprehension on the part of those who may invest their means in the securities of said government, it is hereby

Resolved, That North Carolina ought never, in any event, to pay any portion of the debt incurred by what is called the United States Government, since the fourth day of March last, or any portion of any debt or liability which may be incurred hereafter. [*Ratified the 9th day of May, 1861.*]

JOINT RESOLUTION CONCERNING THE EQUIPMENT AND PROVISIONING
OF VOLUNTEERS.

Governor to ex-
pend balance of
former appro-
priation.

By the General Assembly of North Carolina, Be it resolved, That any portion of the sum of three hundred thousand dollars, appropriated at the past sitting of the legislature for the purchase of arms for the State of North Carolina, which now remains unexpended, be and the same is hereby placed at the disposal of his Excellency, the Governor, to be expended at his discretion in arming, organizing, equipping, provisioning and transporting troops now raised or to be raised in this State for the defense of the South. [*Ratified the 4th day of May, 1861.*]

JOINT RESOLUTION CONCERNING THE EQUIPMENT AND PROVISIONING OF
VOLUNTEERS.

Governor to ex-
pend balance of
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By the General Assembly of North Carolina, Be it resolved, That any portion of the sum of three hundred thousand dollars appropriated at the past sitting of the Legislature for the purchase of arms for the State of North Carolina, which now remains unexpended, be and the same is hereby placed at the disposal of His Excellency, the Governor, to be expended at his discretion in arming, organizing, equipping, provisioning and transporting troops now raised or to be raised in this State for the defense of the South. [*Ratified the 1st day of May, 1861.*]

RESOLUTION TO AUTHORIZE SETTLEMENT WITH AGENT OF CHEROKEE
LANDS.

Resolved, That the Governor appoint some suitable person, whose duty it shall be to examine all the books and accounts of the agents of the State for the collection of the Cherokee bonds, and further to make a settlement with the said agents, and the commissioner shall be allowed such compensation as the Governor and treasurer may in their judgment think just and right. [*Ratified the 11th day of May, 1861.*]

STATE OF NORTH-CAROLINA, }
OFFICE OF SECRETARY OF STATE, }
June, 1861. }

I, RUFUS H. PAGE, Secretary of State, in and for the State of North-Carolina, do hereby certify that the Acts and Resolutions contained in this Pamphlet, are true copies of the original Acts and Resolutions, passed by the General Assembly of this State, at its first extra session.

RUFUS H. PAGE, *Secretary of State.*

STATEMENTS
OF THE
Comptroller of Public Accounts,
FOR THE
TWO FISCAL YEARS ENDING SEPTEMBER 30TH,
1859 and 1860.

COMPTROLLER'S DEPARTMENT,

RALEIGH, N. C., *December* 30th, 1859.

To His Excellency, JOHN W. ELLIS,

Governor of North-Carolina :

SIR: I have the honor to submit herewith my annual report from this Department of the Receipts and Disbursements at the Public Treasury of the State of North Carolina, during the fiscal year ending on the 30th day of September, 1859.

Very respectfully, your obedient servant,

C. H. BROGDEN,
Comptroller.

COMPTROLLER'S STATEMENT.

1859.

GENERAL STATEMENT.

General statement.

Amount in hands of Public Treasurer, Oct. 1st, 1858,	\$ 184,457 84		
Receipts of Literary Fund for fiscal year ending Sept. 30, 1859,	158,442 04		
Receipts of Public Fund for fiscal year ending Sept. 30, 1859,	2,295,721 54		
Receipts of Sinking Fund for fiscal year ending Sept. 30, 1859,	93,030 00	\$2,731,651 42	
Disbursements of Literary fund for fiscal year ending Sept. 30, 1859,	209,156 08		
Disbursements of Public Fund for fiscal year ending Sept. 30, 1859,	1,900,083 24		
Disbursements of Sinking fund for fiscal year ending Sept. 30, 1859,	92,665 00	2,201,904 32	
Leaving in hands of Public Treasurer, Oct. 1st, 1859,		\$ 529,747 10	

LITERARY FUND.			Literary fund.
Balance due this Fund, Oct. 1st, 1858,	\$ 78,166 36		
Receipts of Literary Fund for fiscal year ending Sept. 30, 1859,	158,442 04	\$ 236,608 40	
Disbursements of Literary fund for fiscal year ending Sept. 30, 1859,	209,156 08		
Balance due this Fund, Oct. 1st, 1859,	27,452 32		

Public Fund.

PUBLIC FUND.

Balance due this Fund, Oct. 1st, 1858,	\$	106,021	48	
Receipts of Public Fund for fiscal year ending Sept. 30, 1859,		2,295,721	54	\$ 2,401,743 02
Disbursements of Public Fund for fiscal year ending Sept. 30, 1859,				1,900,083 24
Balance due this Fund, Oct. 1st, 1859.				\$ 501,659 78

Sinking Fund.

SINKING FUND.

Balance due this Fund, Oct. 1st, 1858,	\$	270	00	
Receipts of Sinking Fund, for fiscal year ending Sept. 30, 1859,		93,030	00	93,300 00
Disbursements of Sinking Fund for fiscal year ending Sept. 30, 1859,				92,665 00
Balance due this Fund, Oct. 1st, 1859.				\$ 635 00

RECEIPTS AND DISBURSEMENTS.

Literary Fund.

Of Literary Fund for fiscal year ending Sept. 30, 1859.

		RECEIPTS.	DISBURSEMENTS.
1858.	October,	\$ 206 04	\$ 3,724 48
"	November,	35,103 85	28,717 16
"	December,	1,554 86	48,769 38
1859.	January,	29,937 67	14,052 57
"	February,	3,226 39	5,291 16
"	March,	875 75	3,510 45
"	April,	2,161 93	3,967 12
"	May,	31,180 01	46,844 72
"	June,	16,363 32	20,593 14
"	July,	24,548 52	6,148 26
"	August,	1,116 45	18,179 33
"	September,	12,167 25	9,358 31
		\$ 158,442 04	\$ 209,156 08

RECEIPTS AND DISBURSEMENTS.

Public Fund.

Of Public Fund for fiscal year ending Sept. 30, 1859.

		RECEIPTS.	DISBURSEMENTS.
1858.	October,	\$ 10,922 86	\$ 18,556 33
"	November,	123,822 41	85,791 87
"	December,	53,382 50	75,233 93
1859.	January,	19,549 55	137,085 02
"	February,	107,469 36	134,287 61
"	March,	158,018 36	115,902 62
"	April,	548,019 37	421,873 69
"	May,	197,487 37	276,613 92
"	June,	114,004 29	66,057 80
"	July,	200,388 36	328,708 72
"	August,	219,439 35	150,001 39
"	September,	543,217 76	89,970 34
		\$2,295,721 54	\$ 1,900,083 24

Literary fund—
receipts.

LITERARY FUND.—(Receipts.)

STATEMENT A.

*Exhibiting the several sources from which the Receipts of
the Literary Fund have been derived:*

Entries of Vacant Lands,	\$ 5,183 02
Bank Dividends,	98,009 25
Navigation Dividends,	2,450
Individual Notes,	2,000
Interest on Individual Notes,	30
Wilmington & Weldon R.R. dividends	28,000
Interest on College Bonds,	1,760 05
Interest on Swamp Land Bonds,	41 50
Wilmington & Weldon R. R. Bonds,	2,250
Interest on Raleigh & Gaston Railroad Bonds,	4,200
Interest on State Coupon Bonds,	570
Interest on Wilmington & Weldon Railroad Bonds,	67 50
Swamp Land Bonds,	960
Auction Tax,	677 10
Deaf and Dumb Asylum Tax,	1,053 62
Tax on retailers of Spirituous Liquors,	11,190
	\$158,442 04

Details as follows:

1858.		
Oct.	Received of sundry persons for Entries of Vacant Lands,	\$ 206 04
Nov.	Sundry persons for Entries of Vacant Lands,	827 85
	Wilmington & Weldon Railroad Com- pany, Dividend on Stock held by Literary Board in said Company,	12,000
	Roanoke Navigation Company, Divi- dend on Stock held by Literary Board in said Company,	500
	Bank of Cape Fear, Dividend on Stock held by Literary Board in said Bank,	21,776
Dec.	Sundry persons, for Entries of Vacant Lands,	1,163 36

1858.			Literary fund— receipts.
Dec.	Interest on the following Bonds held by Literary Board :		
	Normal College,	\$ 200	00
	Mount Pleasant Academy,	60	
	Clinton Female Institute,	90	
	Swamp Land Bond,	41	50
1859.			
Jan.	Sundry persons, for Entries of Vacant Lands,	602	67
	Bank of the State of North Carolina, Dividend on Stock held by Literary Board in said Bank,	25,135	
	Interest on Bonds of Raleigh & Gas- ton Railroad Company,	4,200	
Feb.	Sundry persons, for Entries of Vacant Lands,	398	89
	Interest on Normal College Bonds,	300	
	Interest on Greensboro' Female Col- lege Bonds,	210	
	Wilmington & Weldon Railroad Com- pany, Bond held by Literary Board,	2,317	50
Mar'h.	Sundry persons for Entries of Vacant Lands,	15	75
	Interest on Floral College Bonds,	180	
	Cape Fear Navigation Company, Div- idend on Stock held by Literary Board in said Company,	650	
	Interest on Individual Note,	30	
April.	Sundry persons, for Entries of Vacant Lands,	792	38
	Interest on Wake Forest College Bonds	720	05
	Cape Fear Navigation Company, Div- idend on Stock held by Literary Board in said Company,	650	
May.	Sundry persons, for Entries for Vacant Lands,	350	01
	Bank of Cape Fear, Dividend on Stock held by Literary Board in said Bank,	27,220	
	Bonds for Swamp Lands,	960	
	Individual Notes,	2,000	
	George McNeill, Agent for Cape Fear Navigation Company, Dividend on Stock in said Company,	650	
June.	Sundry persons, for Entries of Vacant Lands,	363	32
	Wilmington & Weldon Railroad Com-		

Literary fund— receipts.	1859.	pany, Dividend on Stock in said Company,	\$ 16,000	
	July.	Sundry persons, for Entries of Vacant Lands,	100	27
		Interest on State Coupon bonds, held by Literary Board,	570	
		Bank of the State of North Carolina, Dividend on Stock in said Bank,	23,878	25
	Aug.	Sundry persons, for Entries of Vacant Lands,	105	92
		Sundry Sheriffs, tax on Retailers, Auction tax,	780	53
		Jonas Cline, Sheriff of Catawba Coun- ty, tax for indigent pupils at Asylum for the Deaf and Dumb and the Blind	75	
		J. L. Bundy, acting Sheriff of Cabar- rus County, tax for indigent pupils at Asylum for the Deaf and Dumb and the Blind,	150	
	Sept.	Sundry persons, for entries of Vacant Lands,	257	06
		Sundry Sheriffs, tax on Retailers,	10,410	
		Sundry Sheriffs, Auction tax,	671	57
		Wm. H. High, Sheriff of Wake Coun- ty, tax for indigent pupils at the Asylum for the Deaf and Dumb and the Blind,	453	62
		E. D. Hall, Sheriff of New Hanover County, tax for indigent pupil at the Asylum for the Deaf and Dumb and the Blind,	75	
		G. W. Crumpler, Sheriff of Sampson County, tax for indigent pupils at the Deaf and Dumb and the Blind,	300	
			\$ 158,442 04	

LITERARY FUND.—(*Disbursements.*)Literary fund—
disbursements.

STATEMENT B.

*Exhibiting the several objects for which the Disbursements
of the Literary Fund have been made :*

Common Schools,	\$172,051	69
Asylum for the Deaf and Dumb and the Blind,	14,500	
Bonds of Cape Fear and Deep River Navigation Company,	9,555	
State Coupon Bonds,	2,000	
Loans by Literary Board,	250	
Indian Grave Gap Turnpike Company,	1,800	
General Superintendent of Common Schools,	1,500	
Expense Account,	7,499	39
	\$209,156	08

Details as follows

1858.			
Oct.	Paid the Counties of Halifax and Cleveland the State's quota for sup- port of Common Schools, Spring distribution, 1858 :		
	Halifax county, J. L. Ousby, chairman,	\$	1,560 84
	Cleveland " J. R. Logan, "		1,163 64
	S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,		1,000
Nov.	Paid sundry counties the State's quota for support of Common Schools, Fall distribution, 1858, as follows :		
	Alamance county, J. Tröllinger, ch'mn,		1,144 92
	Cabarrus " A. J. Yorke, "		1,040 88
	Caswell " Alvis Lea, "		1,459 32
	Chatham " J. S. Lasater, "		1,851 60
	Cumberland " A. M. Campbell, "		976 06
	Davidson " John Hines, "		1,694 76
	Forsyth " J. W. Alspaugh, "		1,275 74
	Franklin, " W. T. Johnson, "		1,141 20
	Gates, " S. W. Worrell, "		825 36

1858.			
Nov.	Guilford county, Nathan Hiatt, ch'mn,	\$	2,142 60
	Hertford " John B. Sharp, "		798 72
Literary fund— Disbursements.	Iredell, " M. Campbell, "		1,492 44
	Johnson " J. H. Kennedy, "		1,262 92
	Perquimans " E. N. Riddick, "		723 60
	Robeson " D. C. McIntyre, "		1,329 60
	Rowan " D. A. Davis, "		1,404 48
	Wake " W. W. Whitaker, "		2,534 76
	Warren " Samuel Bobbitt, "		1,168 92
	Wayne " W. K. Lane, "		1,238 09
	Yadkin " James Sheek, "		1,141 32
	S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,		2,000
	Postage in Raleigh on printed matter for Literary Board,		7 50
	George T. Cooke, Postmaster in Ral- eigh, postage on Blanks for Com- mon Schools,		38 31
	J. L. Pennington for publishing in Daily <i>Progress</i> , Newbern, Fall dis- tribution, 1858, for Common Schools,		24
Dec.	Paid sundry counties the State's quota for support of Common Schools, Fall distribution, 1858, as follows:		
	Alexander county, R. L. Steele, ch'mn,		525 36
	Anson " H. B. Hammond, "		1,215 72
	Ashe " John Reeves, "		1,024 68
	Beaufort " Joseph Potts, "		1,405 92
	Bertie " Jos. B. Cherry, "		1,196 76
	Brunswick " Jno. H. Brooks, "		714 12
	Buncombe " M. Patton, "		1,480 56
	Burke, " James Avery, "		830 28
	Camden, " Noah W. Forbes, "		545 86
	Carteret " J. P. C. Davis, "		744 96
	Caldwell " W. A. Ballew, "		700 32
	Cherokee " Geo. W. Hayes, "		804 36
	Chowan, " Jas. D. Wynne, "		630 24
	Cleveland " J. R. Logan, "		1,163 64
	Columbus " Haynes Lennon, "		636 96
	Craven " John T. Lane, "		1,479 48
	Currituck " B. T. Simmons, "		750 84
	Davie " Lemuel Bingham, "		839 76
	Haywood " J. Cathey, "		828 84
	Edgecombe " David Barlow, "		1,202 12

1858.			
Dec.	Granville co.,	L. A. Paschall, ch'mn,	\$ 2,076 36
	Green	" Edward Patrick, "	638 52
	Harnett	" D. McCormick, "	850 70
	Henderson	" Joseph Maxwell, "	825 96
	Jones	" John H. Cox, "	472 20
	Lenoir	" Jas. W. Cox, "	666 84
	Lincoln	" H. C. Hamilton, "	830 88
	Martin	" A. H. Coffield, "	835 32
	Mecklenburg	" John P. Ross, "	1,406 88
	Moore	" W. D. Dowd, "	976 26
	Nash	" J. J. Q. Taylor, "	948 58
	N. Hanover	" S. D. Wallace, "	1,558 32
	Onslow	" D. W. Sanders, "	844 80
	Orange	" W. H. Brown, "	1,794 84
	Pasquotank	" W. W. Kennedy, "	849 96
	Perquimans	" E. N. Riddick, "	723 60
	Person	" G. D. Satterfield, "	1,059
	Randolph	" Jonathan Worth, "	1,671 12
	Richmond	" B. B. McKenzie, "	952 32
	Stanly	" R. G. Snuggs, "	761 76
	Stokes	" W. A. Mitchell, "	1,018 80
	Surry	" J. C. Norman, "	975 84
	Union	" M. W. Cuthbertson, "	1,110 96
	Washington	" Jos. Ramsay, act., "	573 60
	Wilkes	" A. A. Scroggs, "	1,397 04
	Wilson	" L. D. Farmer, "	735 45
	S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,		2,000
	Sundry persons for publishing Fall distribution, 1858, Common School Fund, as follows:		
	W. J. Yates, Western Democrat,		24
	T. W. Atkin, Asheville News,		24
	John W. Syme, Raleigh Register,		24
	J. W. Alsbaugh, Western Sentinel,		24
	J. M. Newson, Salisbury Banner,		24
	Holden & Wilson, printing sundry blanks for Common Schools, and publishing in N. C. Standard Fall distribution, 1858,		340 80
	Pulaski Cowper, for defraying expenses of Literary Board, from 15th Oct. to 15th Dec., 1858,		71 20
	C. H. Wiley, General Superintendent		

Literary fund—
disbursements

Literary fund— disbursements.	1858. Dec.	of Common Schools, for expenses in part incurred in distributing Common School Register,	\$ 75 91
		C. H. Wiley, postage for the years 1855-'56 and '57, on account of Common Schools,	45
	1859. Jan.	Paid sundry counties the State's quota for support of Common Schools, Fall distribution, 1858, as follows :	
		Bladen county, Neill Graham, ch'mn,	962 88
		Catawba " G. P. Shuford, "	988 08
		Cherokee " G. W. Hayes, "	804 36
		Duplin " H. Bourden, "	1,258 32
		Hyde " N. Beckwith, "	790 20
		Macon " J. B. Siler, "	740 28
		Northampt'n " Herod Faison, "	1,287 72
		Pitt " Altered Moye, "	1,289 40
		Sampson " Archibald Monk, "	1,177 32
		Watauga " R. Mast, (Spring) "	401 76
		Watauga " Reuben Mast, "	401 76
		Yancey " M. P. Penland, "	968 16
		S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,	2,000
		C. H. Wiley, General Superintendent of Common Schools, his 4th quarter's salary for 1858,	375
		G. J. Cherry, agent for superintending swamp lands held by Literary Board, his salary to Jan. 1st, 1859,	583 33
		J. B. Godwin, for publishing in Democratic Pioneer, Fall distribution, 1858, for Common Schools,	24
	Feb.	Paid the following counties the State's quota for the support of Common Schools, Fall distribution, 1858 :	
		Gaston county, Rich'd Rankin, ch'mn,	867 36
		Montgomery " Joseph Ewing, "	739 56
		Tyrrell " John Dunbar, "	534 24
		Paid Jonathan Worth, Chairman of Common Schools in Randolph county, being money erroneously charged for pupils at the Deaf and Dumb Asylum, and refunded by resolution	

1859.			
Feb.	of the Legislature of 1858-'9, Paid for two State coupon bonds of \$1,000 each, for use and benefit of Literary Fund,	\$ 150 2,000	Literary fund— disbursements.
	S. H. Young, Treasurer N. C. Institu- tion for the Deaf and Dumb and the Blind,	1,000	
Mar'h,	Paid W. A. McCall, Chairman of Common Schools in McDowell coun- ty, the State's quota to said county, Fall distribution, 1858,	688 92	
	Paid S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and Blind,	2,000	
	Loaned to C. H. Wiley and others, Graham Daves, Secretary to Literary Board, expenses of members and Secretary to Board, March 11th, 1859,	250 42	
	Holden & Wilson, printing, &c., for Literary Board, per order of C. H. Wiley,	126 13	
	R. H. Page, Secretary of State, for copy of "an act concerning Com- mon Schools," for C. H. Wiley,	2	
	Martin & Pearce, for publishing in Fayetteville Carolinian, Spring and Fall distribution, 1858, for Com- mon Schools,	26 40	
	C. H. Wiley, General Superintendent of Common Schools, his 1st quar- ter's salary for 1859,	375	
April.	Paid Jones W. Burton, Chairman of Common Schools in Rockingham county, the State's quota to said county for the year 1858,	2,967 12	
	S. H. Young, Treasurer N. C. Institu- tion for the Deaf and Dumb and the Blind,	1,000	
May.	Paid sundry counties the State's quota for the support of Common Schools, Spring distribution, 1859, as follows:		
	Wayne county, W. K. Lane, ch'man,	1,238 09	
	Chatham " Jas. L. Iasater, "	1,926 60	
	Wake " W. W. Whitaker, "	2,534 76	

Literary fund— disbursements.	1859.		
	May.		
		Warren co., Samuel Bobbitt, ch' "	\$ 1,243 92
		Forsyth " J. W. Alspaugh, "	1,275 74
		Beaufort " Joseph Potts, "	1,405 92
		Johnston " D. H. Holland, "	1,337 92
		Cabarrus " A. J. Yorke, "	1,040 88
		Person " G. D. Satterfield, "	1,059
		Rowan " D. A. Davis, "	1,479 48
		Edgecombe " David Barlow, "	1,202 12
		Bertie " Jos. B. Cherry, "	1,196 76
		Pasquotank, " W. W. Kennedy, "	924 96
		N. Hanover, " S. D. Wallace, "	1,708 32
		Craven, " John T. Lane, "	1,479 48
		Mecklenburg " John P. Ross, "	1,406 88
		Cumberland " A. M. Campbell, "	1,276 06
		Orange, " W. H. Brown, "	1,794 84
		Camden, " Thomas Palmer, "	620 88
		Alamance " John Trollinger, "	1,219 92
		Harnett " D. McCormick, "	850 70
		Anson " H. B. Hammond, "	1,290 72
		Gates " S. W. Worrell, "	825 36
		Wilkes " A. A. Scroggs, "	1,397 04
		Granville " L. A. Paschall, "	2,076 36
		Martin " A. H. Coffield, "	835 32
		Iredell " M. Campbell, "	1,567 44
		Burke " James Avery, "	830 28
		Carteret " J. P. C. Davis, "	744 96
		Yadkin " James Sheek, "	1,141 32
		Jones " John H. Cox, "	472 20
		Stanly " R. G. Snuggs, "	761 76
		Lincoln " H. C. Hamilton, "	830 88
		Greene " Edward Patrick, "	638 52
		W. P. Ward and Archibald Henderson, members of Literary Board, and Graham Daves, Secretary, expenses of meeting in Raleigh, May 3rd, 1859,	29 50
		Publishing in Newbern Delta, Spring Distribution, 1859, for Common Schools,	12
June.		Adams' Express, freight on books sent by C. H. Wiley,	3 25
		J. M. Newson, for publishing in Salisbury Banner, Spring Distribution, 1859, for Common Schools,	12
		T. Loring, for publishing in Golds-	

1859. June.		Literary fund— disbursements.
	boro' Tribune, Spring Distribution, 1859, for Common Schools,	\$ 12
	Bank of the State of N. Carolina, \$5,- 140 58 checks on New York, in payment for 11 Bonds of \$500 each of Cape Fear and Deep River Navi- gation Co., guaranteed by the State, and purchased by Literary Board,	5,140 58
	Paid sundry counties the State's quota for support of Common Schools, Spring distribution, '59, as follows:	
	Ashe county, John Reeves, Ch'n,	1,024 68
	Guilford " Nathan Hiatt, "	2,217 60
	Randolph " Jonathan Worth, "	1,821 12
	Caswell " Alvis Lea, "	1,459 32
	Surry " L. J. Norman, "	975 84
	Lenoir " Jas. W. Cox, "	741 84
	Chowan " Jas. D. Wynue, "	630 24
	Currituck " E. Morton, "	750 84
	Franklin " Wood T. Johnson, "	1,141 20
	Onslow " D. W. Sanders, "	844 80
	Hyde, " Nath'l Beckwith, "	790 20
	Alexander " R. L. Steele, "	600 36
	Cleveland " J. R. Logan, "	1,163 64
	Pitt " Alfred Moye, "	1,289 40
	Halifax " J. L. Ousby (fall '58) "	1,410 84
	Moore, " W. D. Dowd, "	1,026 26
	Columbus " Haynes Lennon, "	636 96
	S. H. Young, Treasurer N. C. Institu- tion for the Deaf and Dumb and the Blind,	2,000
	J. B. Godwin & Co, for publishing in Democratic Pioneer Spring distribu- tion, 1859, for Common Schools,	12
	John W. Syme, for publishing in Raleigh Register, Spring distribu- tion, 1859, for Common Schools,	12
	J. W. Alsbaugh, for publishing in Western Sentinel, Spring distribu- tion, 1859, for Common Schools,	12
	Holden & Wilson, for publishing in N. C. Standard, Spring distribution, 1859, for Common Schools, and printing for C. H. Wiley, Superin- tendent,	32

Literary fund—
disbursements.

1859.			
July.	Paid sundry counties the State's quota for support of Common Schools, Spring distribution, 1859, as follows :		
	Stokes County, W. A. Mitchell, Ch'n,	\$	1,018 80
	Union " M. W. Cuthbertson "		1,110 96
	Wilson " L. D. Farner, "		810 45
	McDowell " W. A. McCall, "		688 92
	Henderson " Joseph Maxwell, "		825 96
	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind,		1,000
	C. H. Wiley, General Superintendent Common Schools, his 2nd quarter's salary for 1859,		375
	Adams' Express Co., freight on \$75,000 in specie from New York to Raleigh,		187 50
	Adams' Express Co., freight on \$50,675 in specie from New York to Raleigh,		126 67
	R. H. Page, Secretary of State, for copy of "an act to establish the Bank of North Carolina,"		4
Aug.	Paid sundry counties the State's quota for support of Common Schools, Spring distribution for 1859, as follows :		
	Cherokee County, G. W. Hayes, Ch'n,		804 36
	Richmond " B. B. McKenzie, "		952 32
	Montgomery " Joseph Ewing, "		739 56
	Davidson " John Haines, "		1,694 76
	Catawba " G. P. Shuford, "		988 08
	Robeson " D. C. McIntyre, "		1,329 60
	Paid for Bonds of Cape Fear and Deep River Navigation Co., guaranteed by the State and purchased by Literary Board,		9,555
	Paid Treasurer of Indian Grave Gap Turnpike Co., on account of said Board,		1,800
	W. J. Yates, for publishing in Western Democrat, Spring distribution, 1859, Common Schools,		12
Sept.	W. A. Walsh, for publishing in Warrenton News, Spring distribution, 1859, for Common Schools,		12

1859.
Sept.G. J. Cherry, his salary from Jan. 1st
to April 14th, 1859, as agent of
Swamp Lands,

291 65

Paid sundry counties the State's quo-
ta for support of Common Schools,
Spring distribution, 1859, as follows:

Brunswick county, J. H. Brooks, Ch'n,

714 12

Sampson " Arch. Monk, "

1,477 32

Rutherford " Housen Harrill, "

1,486 56

Gaston " Rich'd Rankin, "

867 36

Watauga, " John C. Blair, "

401 75

Caldwell " W. A. Ballew, "

700 32

Northampton " Herod Faison, "

1,287 72

S. H. Young, Treasurer N. C. Insti-
tution for the Deaf and Dumb and
the Blind,

500

J. B. Gordon and Archibald Hender-
son, members of Literary Board,
expenses of meeting in Raleigh,
Sept. 27, 1859,

49 60

Graham Daves, Secretary to Literary
Board, for services Sept. 27, 1859,

12

C. H. Wiley, General Superintendent
of Common Schools, his 3rd quar-
ter's salary for 1859,

375

\$209,156 08

Literary fund—
disbursements.

PUBLIC FUND.—(Receipts.)

Public fund—
receipts.

STATEMENT C.

*Exhibiting the several sources from which the Receipts of
the Public Fund have been derived :*

State Coupon Bonds,

\$1,071,769 15

Indigent Insane Tax,

12,081 69

Public Taxes,

600,225 76

Accrued interest on State coupon bonds

2,910 59

Revised Code,

1,912 76

Premium on Northern Funds,

698 28

State Loans,

547,016 33

Public fund—
receipts.

Interest on Seaboard & Roanoke Railroad Bonds,	646 45
Interest on Fayetteville & Coalfields Railroad Bonds,	6,000
Insane Asylum,	29,921 72
Tax on Bank Stock,	12,368 95
Wrecked Property,	6
Fayetteville & Warsaw Plankroad Dividends,	146 02
Interest on Wilmington & Weldon Railroad Bonds,	3,000
Insane Asylum—Pay Patients,	3,859 60
Tax on Attorneys' Licenses,	1,647 30
General Assembly,	20 72
Money paid by Clerks,	274 19
Discount on State Loan,	276 16
Tax on Corporations,	150
Cherokee Bonds,	780
Cape Fear & Deep River,	9 87
	\$2,295,721 54

Detailed as follows :

1858. Oct.	W. H. Michael, Trustee of Lincoln county, on account of J. Long in Insane Asylum of North Carolina,	\$ 144
	C. L. Summers, Sheriff of Iredell county, additional return of tax on collateral descents in said county for 1857,	57 16
	H. H. Davidson, Sheriff of Cherokee county, part of tax due the State from said county for 1857,	1,435 30
	Jas. G. Cook, President of Fayetteville & Albemarle Plankroad Company, 9 State Coupon Bonds of \$1000 each, dated Oct. 1st, 1858, and running 20 years, issued on account of said Road,	9,000
	Bank of the Republic, New York, premium charged on gold advanced by said Bank for the State of N. C., and returned,	86 40
	William Haymore, Sheriff of Surry	

		Public fund— receipts.
1858. Oct.	county, tax due from said county for Barbary Harriss, in Insane Asylum of North Carolina,	200
Nov.	C. E. Johnson, President Board Directors Insane Asylum N. C., amount advanced to said Asylum previous to sale of \$35,000 State Coupon Bonds, by authority of the Legislature of 1856-'57,	16,048 21
	Issued to Chas. E. Johnson, President of Board of Directors of Insane Asylum N. C., 35 State coupon Bonds of \$1,000 each, dated January 1st, 1858, and running 30 years, issued under "an act for the benefit of the Insane Asylum,"	35,000
	William Haymore, Sheriff of Surry county, tax due from said county for indigent patient in Insane Asylum,	90
	J. A. Leak, tax due from Anson county to July 1st, 1858, for indigent patients in Insane Asylum,	452 00
	John A. Rosebro, Trustee of Iredell county, tax due from said county for indigent patients in Insane Asylum to July 1st, 1858,	412 99
	Trustee of Union county, tax due from said county for indigent patients in Insane Asylum,	101 66
	W. K. Lane, tax due from Wayne county for indigent patient in Insane Asylum,	133 35
	Wilmington & Weldon Railroad Company, accrued interest on 8 State coupon Bonds sold to said Company,	439 72
	Bank of the State of North Carolina, temporary loan to meet liabilities of the State,	68,941 39
	Bank of the State of North Carolina, tax on stock in said Bank,	2,203
Dec.	G. W. Hampton, Sheriff of Buncombe county, tax due from said Sheriff for 1857,	170 13
	Issued to R. C. Pearson, President of Western North Carolina Railroad	

Public fund— receipts.	1858.		
	Dec.	Company, 10 State coupon Bonds of \$1000 each, dated Oct. 1st, 1858, and running 30 years, issued on account of said Road,	\$ 10,000
		Accrued interest to Nov. 17th, 1858,	78 33
		Christian Strader, Sheriff of Caswell county, tax due from said county for indigent patients in Insane Asylum, to July 1st, 1858,	242 50
		J. J. Coward, for 3 State coupon Bonds of \$1000 each, dated Oct. 1st, 1858, and running 30 years, issued on account of Western N. C. Railroad,	3,000
		Accrued interest to Dec. 13th, 1858,	36 50
		Issued to R. C. Pearson, President of Western N. C. Railroad Company, 37 State coupon Bonds of \$1000 each, dated Oct. 1st, 1858, and running 30 years, issued on account of said Road,	37,000
		Accrued interest to Nov. 17th, 1858,	289 83
		James Rumley, Clerk County Court Carteret county, money paid into his office by Commissioner of Wrecks, Seaboard & Roanoke Railroad Company, interest on bonds of said Company, held by the State of North Carolina,	6
		Thomas Bragg, Governor of N. C., for sales of Revised Code and Emmons' Report,	646 45
			1,912 76
	1859.		
	Jan.	Fayetteville & Warsaw Plankroad Company, tolls from said Company,	105 20
		Interest on Wilmington & Weldon Railroad Bonds, owned by the State of North Carolina,	1,500
		W. E. Anderson, Treasurer of Insane Asylum of North Carolina, on account of board for sundry pay patients in said Asylum,	2,316 60
		Solomon M. Ray, Sheriff of Yancey county, part payment of taxes due the State from said Sheriff for 1857,	921 62
		W. E. Anderson, Treasurer Insane Asylum North Carolina, tax from Lin-	

1859.			Public fund— receipts.
Jan.			
	coln county for support of Catharine Maunley in said Asylum,	256	
	Executive Committee of Insane Asylum, money overdrawn on account of said Asylum,	13,873 51	
	P. Murphy, Treasurer of Fayetteville & Warsaw Plankroad Company, tolls from said Company,	40 82	
	E. B. Freeman, Clerk of the Supreme Court at Raleigh, tax on Attorneys' license, granted by said Court, Dec. Term, 1858,	535 80	
Feb.	R. C. Pearson, President of Western N. C. Railroad Company, 60 State coupon Bonds of \$1000 each, dated Jan. 1st, 1859, and running 30 years, issued on account of said road,	60,000	
	Accrued interest to Feb. 8th, 1859,	380	
	Jno. W. Cunningham, for Mrs. P. M. Cunningham, 20 State coupon Bonds of \$1000 each, dated Jan. 1st, 1859, and running 30 years, issued on account of Western N. C. Railroad,	20,000	
	Accrued interest to Feb. 11th, 1859,	136 66	
	Bank of Clarendon, temporary loan,	19,700 82	
	Bank of Cape Fear at Raleigh, temporary loan,	6,000	
	Samuel L. Love, for William Green, Sheriff of Haywood county, on account of taxes due the State from said Sheriff for 1857,	1,245 88	
	J. T. Leach, Senator from Johnston county, money returned as over pay for his services in the Legislature of 1858-59,	6	
Mar.	R. P. Finch, former Clerk Superior Court Wake county, costs paid to him by stockholders in Raleigh & Gaston Railroad Company, against whom the State instituted suits several years since, and paid the costs in advance,	250 75	
	E. B. Freeman, Clerk Supreme Court at Raleigh, money in his hands three years uncalled for, and by authority of law paid to State,	23 44	
	Olin Coor, former Sheriff of Wayne		

Public fund— receipts.	1859. Mar.	county, additional tavern tax for 1857,		
		S. M. Ray, Sheriff of Yancy county, balance of taxes due the State from said Sheriff for 1857,	64	
		Bank of the State of North Carolina, temporary loan,	85	09
		Bank of the State of N. C., temporary loan,	68,952	87
		Bank of the State of N. C., temporary loan,	19,697	54
		Bank of the State of N. C., temporary loan,	49,243	85
		Bank of Wilmington, temporary loan,	9,852	05
		Bank of the State of N. C., temporary loan,	9,848	77
	April.	Sundry persons, for State Coupon Bonds sold to meet liabilities of the State, dated April 1st, 1859,	245,687	21
		Bank of Cape Fear at Raleigh, tempo- rary loan,	8,000	
		Bank of the State of N. C., premium on \$70,000 check on New York,	175	
		Bank of Cape Fear at Raleigh, pre- mium on \$100,000 check on New York,	250	
		C. W. Smythe, tax for the charter of Catawba College,	25	
		Edward Cantwell, money returned as over pay for his services as Princi- pal Clerk of the House of Com- mons, Legislature of 1858-'59,	6	
		W. H. Marston, New York, for State coupon Bonds sold to meet liabili- ties of the State, dated April 1st, 1859, and running 30 years,	293,600	
		Bank of the State of North Carolina, discount returned on \$70,000 paid said bank before due,	276	16
	May.	Bank of the State of N. C., premium for \$65,000 check on New York,	162	50
		Jarvis Buxton, for 2 State Coupon Bonds of \$1,000 each, dated April 1st, 1859, and running 30 years, is- sued on account of Fayetteville and Coalfields Railroad,	2,000	
		Accrued interest to May 16th, 1859,	15	
		Sundry persons, for 95 State Coupon		

1859.			Public fund — receipts.
May.	Bonds of \$1,000 each, dated April 1st, 1859, and running 30 years, issued on account of Fayetteville & Coalfields Railroad, as follows :		
	C. B. Mallett,	\$15,000	
	James Kyle,	20,000	
	A. A. McKethan,	20,000	
	Stedman & Horne,	20,000	
	H. L. Myrover,	20,000	
	Issued to Marshall Parks, President of the Albemarle & Chesapeake Canal Company, 100 State Coupon Bonds of \$1,000 each, dated April 1st, 1859, and running 50 years, issued on account of said improvement,	100,000	
	B. Higgins, tax for the charter of Lizzarddale Copper Company,	25	
	B. Higgins, tax for the charter of Cambridge Copper Company,	25	
	H. A. London, money overpaid to him on Execution, Archibald McGregor vs. Cape Fear & Deep River Navigation Company, and returned,	987	
	Jacob Siler, Agent for collection of Cherokee bonds, on account of said Bonds,	250	
June.	Geo. Bower, for 3 State coupon bonds of \$1,000 each, dated April 1st, 1859, and running 30 years,	3,000	
	Marshall Parks, President of Albemarle & Chesapeake Canal Company, accrued interest on \$100,000 State coupon bonds, issued to said Company,	250	
	M. S. Galloway, for 3 State coupon bonds of \$1000 each, dated April 1st, 1859, and running 30 years, issued on account of Fayetteville and Coalfields Railroad,	3,000	
	Accrued interest,	30	
	Jacob Siler, Agent for collection of Cherokee Bonds, on account of said Bonds,	330	
	W. G. Matthews, Trustee of Cumber-		

Public fund—
receipts.

1859.	land county, on account of indigent insane patients from said county, in Insane Asylum of N. C.,	\$ 614 93
June.	For board of John Wakefield in Insane Asylum,	10
	W. E. Anderson, Treasurer Insane Asylum, N. C., on account of board for sundry pay patients in said Asylum to 16th Feb., 1859,	1,543
	C. F. Fisher, Pres't N. C. R. R. Co., premium on Northern Funds,	24 38
	Bank of the State of N. C., temporary loan,	9,848 77
	Bank of the State of N. C., temporary loan,	19,697 54
	Bank of Clarendon, temporary loan,	19,697 54
	Bank of Clarendon, temporary loan,	16,187 92
	Bank of Cape Fear at Raleigh, temporary loan,	10,000
	Bank of Fayetteville,	9,848 77
	Bank of Cape Fear at Raleigh, temporary loan,	10,000
	Bank of Wilmington,	9,896 44
	Tax for the charter of Kenansville Female Seminary,	25
July.	Sundry persons, for State coupon Bonds, sold to meet liabilities of the State,	16,019 83
	Joseph H. Gooch, Sheriff of Granville county, on account of indigent insane patients from said county, in Insane Asylum of N. C.,	502 50
	J. S. Green, Treasurer of Wilmington & Weldon Railroad Company, interest on \$50,000 Bonds of said Company,	1,500
	J. I. Scales, money overpaid him under resolution of Legislature 1858-'59, in favor of G. M. Albright, and returned,	8 72
	Bank of Cape Fear at Raleigh, temporary loan,	58,000
	Bank of the State of N. C., temporary loan,	88,638 93

1859.		
July.	Bank of the State of N. C., temporary loan,	\$ 17,727 78
	Bank of the State of N. C., temporary loan,	9,848 77
	Bank of the State of N. C., temporary loan,	7,386 58
	E. B. Freeman, Clerk of Supreme Court at Raleigh, tax on Attorneys' License,	755 25
Aug.	Sundry Sheriffs, State taxes for 1858, payable in 1859, as follows :	
	C. Austin, Sheriff Union county,	5,076 62
	J. Cline, " Catawba "	4,958 37
	William Flynt, " Forsyth "	8,311 75
	James Roberts, " Rockingham "	10,601 95
	Jos. W. Steed, " Randolph "	7,121 29
	Joseph Lusk, " Gaston "	4,438 16
	E. D. Hampton, " Davidson "	8,343 63
	J. L. Bundy, act. " Cabarrus "	8,357 40
	Jas. L. Bostick, " Richmond "	7,354 30
	R. B. Paschall, " Chatham "	9,777 82
	Sundry Sheriffs, tax on account of indigent insane patients from their respective counties, in Insane Asylum of North Carolina, as follows :	
	E. D. Hampton, Sh'ff Davidson county,	169 20
	J. L. Bundy, act. " Cabarrus "	22 60
	R. B. Paschall, " Chatham "	1,061 76
	William Flynt, " Forsyth "	521 99
	Joseph W. Steed, " Randolph "	436 50
	Joseph Lusk, " Gaston "	150 10
	Jonas Cline, " Catawba "	413
	Commissioners of the Sinking Fund of North-Carolina, for State coupon Bonds, dated July 1st, 1859, and running 30 years,	30,000
	Issued to R. F. Simonton, Treasurer of Western N. C. Railroad Company, 100 State coupon Bonds of \$1000 each, dated July 1st, 1859, and running 30 years, issued on account of said Road,	100,000
	Accrued interest to 13th Aug., 1859,	716 66
	Issued to M. A. Bledsoe, Chairman Executive Committee Insane Asy-	

1859.			
Public fund— receipts.	Aug.	lum N. C., 10 State coupon Bonds of \$1000 each, dated July 1st, 1859, and running 30 years, issued on account of said Asylum,	\$ 10,000
		Bank of Charlotte, tax on stock in said Bank,	750
		Bank of Yanceyville, tax on stock in said Bank,	500
		J. R. Dodge, Clerk of Supreme Court at Morganton, tax on Attorneys' Licenses, August Term, 1859, of said Court,	356 25
	Sept.	Sundry Sheriffs, State taxes for 1858, payable in 1859, as follows :	
		John T. Barnes, Sh'ff Wilson county,	6,810 33
		L. H. Lowrance, " Lincoln "	5,015 22
		E. C. Grier, " Mecklenb'g "	15,138 75
		William Haymore " Surry "	3,468 78
		C. A. Boon, " Guilford "	12,938 43
		P. F. White, " Chowan "	5,984 39
		William Patterson " Alamance "	6,845 27
		A. H. Sanders, " Montgom'y "	3,000 14
		Tully Davenport, " Tyrrell "	2,108 56
		J. C. Smith, " Alexander "	2,157 23
		A. B. Long, " Rutherford "	5,045 88
		J. L. Ward, " Polk "	1,331 38
		W. H. Cullom, " Johnston, "	7,430 84
		J. H. Nethercutt, " Jones "	3,714 28
		R. M. Jones, " Orange "	12,308 79
		W. A. Thompson, " Wayne "	10,687 81
		John A. Vann, " Hertford "	7,113 83
		G. Durden, " Washington "	4,062 59
		M. H. Eure, " Gates "	5,151 36
		A. C. Latham, " Craven "	15,487 67
		W. E. Mann, " Pasquotank "	7,209 45
		G. M. Green, " Cleveland "	4,519 73
		Wm. Green, " Haywood "	1,614 72
		E. D. Davis, " Jackson "	1,489 88
		H. Hunter, " Madison "	1,332 41
		C. Strader, " Caswell "	12,978 54
		Hector McNeill, " Cumberland "	16,652 41
		W. F. Wasson, " Iredell "	8,626 68
		Sidney Deal, " Watauga "	1,402 36
		T. J. Carr, " Duplin, "	7,468 22
		W. W. Long, " Yadkin, "	3,734 90

1859. Sept.			Public fund— receipts.
	G. B. Threadgill, Sh'ff Anson county,	\$ 9,021 95	
	Isaac Arledge, " Henderson, "	4,391 15	
	W. D. Humphrey, " Onslow "	4,452 17	
	J. H. Allen, " Brunswick "	4,125 22	
	Esly Staly, " Wilkes "	3,758 45	
	R. G. Tuttle, " Caldwell "	2,841 85	
	Reuben King, " Robeson "	6,596 21	
	Hilliard Gibbs, " Hyde "	4,137 10	
	J. B. Lee, " Currituck "	3,172 80	
	Josiah Hodges, " Pitt "	9,902 12	
	Joseph Brittain, " Burke "	4,198 52	
	W. H. Smith, " Person "	6,966 37	
	Abram Cox, former Sheriff Pitt Co.,	35 62	
	K. H. Worthy, Sh'ff Moore "	4,752 58	
	Samu'l A. Warren, " Northamp'n "	10,158 41	
	William Fields, " Lenoir "	7,231 07	
	Solomon M. Ray, " Yancey "	1,465 75	
	James M. Hilliard, " Davie "	4,891 97	
	Joseph Marshall, " Stanly "	2,849 13	
	J. A. Reeves, " Ashe "	2,655 91	
	N. W. Cooper, " Nash "	7,030 30	
	W. H. High, " Wake "	24,414 43	
	Lewis Williamson, " Columbus "	4,184	
	Jesse Bledsoe, " Alleghany "	700	
	John Martin, " Stokes "	4,140 74	
	J. R. Grady, " Harnett "	2,861 81	
	R. R. Tayloe, " Bertie "	10,770 45	
	J. F. Jenkins, " Edgecombe "	17,071 14	
	E. D. Hall, " N. Hanover "	29,389 30	
	N. R. Jones, " Warren "	13,864 32	
	W. R. Young, " Buncombe "	5,835 24	
	H. H. Davidson, " Cherokee "	2,090 97	
	J. G. Crawford, " Macon "	1,642 68	
	Washington Harris Sh'ff Franklin co.	9,784 83	
	George Dill, Sh'ff Carteret Co.,	3,304 49	
	James S. Snow, " Halifax "	15,721 01	
	J. R. White, " Perquimans "	5,679 84	
	W. B. Campbell, " Beaufort "	10,851 10	
	G. W. Crumpler, " Sampson "	8,312	
	W. A. Walton, " Rowan "	13,929 21	
	Joseph H. Gooch, " Granville "	15,232 87	
	J. E. Exum, " Greene "	4,524 22	
	A. W. Bell, " Camden "	3,418 89	
	W. W. Ward, " Martin "	6,716 27	
	Sundry Sheriffs, tax on account of in-		

Public Fund— receipts,	1859. Sept.	digent insane patients from their respective counties, in Insane Asy- lum of N. C., as follows:	
		L. H. Lowrance, Sh'ff Lincoln county,	\$ 166 16
		E. C. Grier, " Mecklenb'rg "	208 10
		C. A. Boon, " Guilford "	566 32
		A. B. Long, " Rutherford "	156
		J. H. Nethercutt, " Jones "	51 33
		R. M. Jones, " Orange "	1,130 92
		W. A. Thompson " Wayne "	230 35
		A. C. Latham, " Craven "	507 59
		G. M. Greene, " Cleaveland "	497
		Sidney Deal, " Watauga "	181 20
		James H. Allen, " Brunswick "	109
		Hilliard Gibbs, " Hyde "	513 12
		Josiah Hodges, " Pitt "	219 33
		N. W. Cooper, " Nash "	93
		Lewis Williamson " Columbus "	144
		James F. Jenkins " Edgecombe "	288
		E. D. Hall, " N. Hanover "	576
		Washington Harris Sh'ff Franklin co.	125 44
		J. R. White, Sh'ff Perquimans "	65 66
		W. B. Campbell, " Beaufort "	288
		Jacob Siler, agent for collection of Cherokee Bonds, on account of said Bonds,	200
		C. B. Mallett, President of Fayette- ville & Coalfields Railroad Compa- ny, six months interest on State Coupon Bonds issued on account of said Road,	6,000
		Sundry Banks, tax on stock in said Banks, as follows:	
		Merchants Bank,	562 50
		Bank of Fayetteville,	950
		Bank of Wadesboro',	812 50
		Bank of Washington,	812 50
		Bank of Cape Fear,	3,142 50
		Farmers Bank,	744 75
		Bank of Wilmington,	1,891 20
		Hugh Downing, tax for the charter of Stewart Gold Mining Company,	25
		D. P. Weir, tax for the charter of Greene Monument Association,	25

PUBLIC FUND.—(*Disbursements.*)Public fund—
disbursements—

STATEMENT D.

*Showing the several objects for which the Disbursements of
the Public Fund have been made.*

Agricultural Societies,	\$ 2,300
Adjutant General,	350
Albemarle & Chesapeake Canal,	100,000
Asylum for the Deaf and Dumb and the Blind,	350
Binding Documents,	130 53
Binding Laws,	1,686 44
Board of Internal Improvements,	186 50
Bonds of Cape Fear & Deep River Navigation Company,	48,957 33
Capitol Square,	284 75
Comptroller's Department,	1,000
Congressional Election,	847 60
Copying Laws,	619 50
Contingencies,	8,281 80
Council of State,	216 80
Distributing Laws,	1,305 50
Executive Department,	3,300
Executive Mansion,	5,682 16
Expense Account of Sinking Fund,	103 75
Equal Suffrage Election,	53
Fayetteville & Albemarle Plankroad,	9,000
Fayetteville & Western Railroad,	200,000
Fugitives from Justice,	248 85
General Assembly,	57,373 93
Geological Survey,	5,198 56
Governor's Election,	120 00
Interest on coupon Bonds of Cape Fear & Deep River Navigation Company,	17,370
Interest on Fayetteville & Western Plankroad Bonds,	6,720
Interest on Raleigh & Gaston Railroad Bonds,	29,925
Interest on State coupon Bonds,	335,130
Interest on State Registered Bonds,	20,355 78
Interest on State Loans,	9,308 84
Insane Asylum,	70,000

Public fund—
disbursements.

Judiciary,	29,332 79
Pensions,	457 50
Post Office,	218 70
Premium on Northern Funds,	2,811 42
Public Arms,	380
Public Printing,	8,800 71
Public Tax Refunded,	974 43
Resolutions of the General Assembly, 1858-'59,	522 23
Road from Wilkesboro' to Jefferson,	1,000
Roaring Gap Road,	87 89
Senatorial Election,	21 15
Sheriffs for settling Public Taxes,	2,147 04
State Department,	800
State Librarian,	412 50
State Library,	492 08
Superintendent of Capitol,	260
State Capitol,	2,365 66
State Registered Bonds,	191,800
State Loans,	436,433 70
Treasury Department,	2,750
Western N. C. Railroad,	281,608 82
	1,900,083 24

Detailed as follows :

1858.		
Oct.	J. F. Hutchins, Treasurer of the State Agricultural Society, State's quota to said Society for year ending 1st Monday in Oct., 1858,	\$ 1,500
	Davie County Agricultural Society, State's quota for 1858,	50
	W. H. Hamilton for keeping Capitol Square in order for 6 months end- ing Oct. 1st, 1858,	125
	J. G. Cook, President of Fayetteville & Albemarle Plankroad Company, 9 State coupon Bonds of \$1,000 each, dated Oct. 1st, 1858, and run- ning 20 years, issued on account of said Road,	9,000
	J. J. Chaplin in part payment of his contract to bind Emmons' Agricul- tural Report,	217 88

1858.			Public fund— disbursements.
Oct.	W. E. Anderson, Treasurer Insane Asylum N. C., on account of said Asylum,	\$ 5,000	
	Frederick Nash, Judge of Supreme Court, his 3rd quarter's salary for 1858,	625	
	W. H. Battle, Judge Supreme Court, his 3rd quarter's salary for 1858,	625	
	R. M. Saunders, Judge Superior Court, for holding Courts in Anson and Bladen counties, Fall Circuit, 1858,	180	
	Robert Strange, Solicitor 5th Circuit, for 8 certificates,	160	
	Will. A. Jenkins, Attorney General, for 7 certificates 3rd Circuit,	140	
	Geo. S. Stevenson, Solicitor 2nd Circuit, for 3 certificates,	60	
	Marcus Erwin, Solicitor 7th Circuit, for 2 certificates,	40	
	Bank of Cape Fear, at Raleigh, interest on temporary loan,	405	
	Bank of Washington, interest on temporary loans,	49	
	Holden & Wilson, printing for Treasury Department,	24	
	Holden & Wilson, printing for Comptroller's Department,	24	
	Holden & Wilson, printing for State Department,	13	
	Martha Spears, her half year's pension for 1858,	37	
	William Percival, in part payment for making water closets in State Capitol,	200	
	J. J. Chaplin, lettering Books for State Library and Supreme Court,	30	
	Mecklenburg County Agricultural Society, State's quota for 1858,	50	
Nov.	Cumberland County Agricultural Society, State's quota for 1858,	50	
	Moore County Agricultural Society, State's quota for 1858,	50	
	Ebenezer Emmons, State Geologist, his 2nd quarter's salary for 1858,	625	

Public fund—
disbursements.

1858.		
Nov.	D.F. Caldwell, Judge Superior Courts, for 10 certificates from 3rd Circuit,	\$ 975
	William Lander, Solicitor, for 7 certificates from 6th Circuit,	140
	E. C. Hines, Solicitor, for 9 certificates from 1st Circuit,	180
	Geo. S. Stevenson, Solicitor, for 3 certificates from 2nd Circuit,	60
	Will. A. Jenkins, Attorney General, for 3 certificates from 3rd Circuit,	60
	R.M. Saunders, Judge Superior Courts, for 11 certificates from 2nd Circuit,	975
	Charles E. Johnson, President Board Directors Insane Asylum N. C., 35 State coupon Bonds of \$1000 each, dated Jan. 1st, 1858, and running 30 years, issued on account of said Asylum,	35,000
	Bank of the Republic, New York, interest on State coupon Bonds, advanced by said bank,	45,195
	Alexander Taylor, his pension for 1858,	50
	Bank of Cape Fear, premium for \$12,-377 50 check on New York,	62 22
	Bank of the State of N. C., premium for \$106,000 check on New York,	1,060
	William Percival, in part payment for making water closets in State Capitol,	1,000
	Quent. Busbee, Assistant Clerk of the Senate, for collecting Laws, Journals, Documents, &c., under a resolution of the Legislature of 1856-'57,	217 70
	Adams Express in Raleigh, freight on 2 packages from New York to Raleigh,	2
	Magnetic Telegraph in Raleigh, for message to New York,	95
	Danforth, Perkins & Co., Agents of American Bank Note Company, New York, for printing coupon Bonds of the State of North Carolina,	89

1858. Dec.	John M. Dick, Judge Superior Courts, for 12 certificates from 4th circuit,	\$ 975	Public fund— disbursements.
	M. E. Manly, Judge Superior Courts, for 14 certificates from 6th circuit,	1,155	
	J. G. Shepherd, Judge Superior Courts, for 10 certificates from 1st circuit,	975	
	R. R. Heath, Judge Superior Courts, for 11 certificates from 2d circuit,	975	
	Robert Strange, Solicitor, for 6 cer- tificates from 5th circuit,	120	
	William Lander, Solicitor, for 2 cer- tificates from 6th circuit,	40	
	Geo. S. Stevenson, Solicitor, for 5 cer- tificates from 2d circuit,	100	
	J. J. Bruner, for printing, folding, pressing, stitching and covering part of No. 2, Vol. 5, Jones' Law, and No. 1, Vol. 4, Jones' Equity, with indexes to 5th vol. Law, and 3d vol. Jones' Equity,	582	
	Marcus Erwin, Solicitor, for 2 cer- tificates from 7th circuit,	40	
	E. C. Hines, Solicitor, for 1 certificate from 1st circuit,	20	
	Thomas Ruffin, Jr., Solicitor, for 12 certificates from 4th circuit,	240	
	Holden & Wilson, printing for State Department,	77 75	
	John W. Syme, advertising State Bonds in Raleigh Register for Treas- ury Department,	29 50	
	Holden & Wilson, advertising Gov- ernor's proclamation for arrest of G. A. Gilchrist, and day of Thanksgiv- ing,	6 50	
	John W. Syme, advertising the Gov- ernor's proclamation in Raleigh Register for day of Thanksgiving,	1 50	
	Solomon B. Dondge, for services and expenses as messenger to Governor of Virginia, to demand Alfred Vann and Robert Brinkley, fugitives from justice in Gates county, N. C.,	45 85	
	G. W. Hampton, Sheriff of Buncombe county, for settling public taxes for		

Public fund—
disbursements.

1858. Dec.		
1857, and making returns of Senatorial and Congressional elections,	\$	48
Martin county Agricultural Society, State's quota for 1858,		50
Robeson county Agricultural Society, State's quota for 1858,		50
Gates county Agricultural Society, State's quota for 1858,		50
Henderson county Agricultural Society, State's quota for 1858,		50
R. F. Simonton, Treasurer of Western North Carolina Railroad Company, 47 State coupon Bonds of \$1000 each, dated Oct. 1st, 1858, and running 30 years, issued on account of said Road,	47,000	
Accrued interest,	368	16
Additional payment on account of said Road,	3,000	
Elizabeth Kissam, Administratrix of Samuel Kissam, for storage of arms belonging to North Carolina, under resolution of Legislature 1856-'57,	155	
Pulaski Cowper, Secretary to Board of Internal Improvements, for defraying expenses of Board 28th Oct., and 10th Dec., 1858,	67	25
Bank of Cape Fear at Raleigh, six months interest on \$29,500 loaned the State,	885	
Joseph B. Cherry, Senator from Bertie county, Legislature 1858-'59,	112	
W. J. Lougee, articles for State Library and Geological Rooms in Capitol,	20	70
W. L. Pomeroy, sundry Books for State Library,	50	
W. L. Pomeroy, Wharton's Criminal Law for Supreme Court Library,	7	50
H. D. Turner, Wharton's Medical Jurisprudence for Supreme Court Library,	6	50
J. J. Chaplin, binding Books for State Library,	9	
Holden & Wilson, printing for Geological Cabinet in Capitol,	10	

1858.

Dec.

Ebenezer Emmons, for expenditures on account of Geological Survey in addition to his salary,	488	56	Public fund— disbursements.
Henry T. Clark, interest on State Bonds,	90		
Henry T. Clark, interest on Fayetteville & Western Plankroad Bonds,	90		
D. King, Superintendent of Capitol, money expended by him for services about Capitol,	5	25	
G. W. Hampton, Sheriff of Buncombe county, making return of election for Governor in 1858,	35		
Thomas Bragg, Governor of North Carolina, his 4th quarter's salary for 1858,	750		
Pulaski Cowper, Private Secretary to Gov. Bragg, his 4th quarter's salary for 1858,	75		
D. W. Courts, Public Treasurer, his 4th quarter's salary for 1858,	500		
W. R. Richardson, Clerk of Treasury Department, his 4th quarter's salary for 1858,	187	50	
R. H. Page, Secretary of State, his 4th quarter's salary for 1858,	200		
O. H. Perry, State Librarian, his 4th quarter's salary for 1858,	87	50	
D. King, Superintendent of Capitol, his 4th quarter's salary for 1858,	65		
Thomas Bragg, Governor of North Carolina, sundry articles for Executive Mansion,	44	50	
Sundry persons, interest on State coupon Bonds,	75		
R. C. Cotten, Adjutant General of N. C., his salary to 30th June, 1858,	200		
Pulaski Cowper, Secretary to Board of Internal Improvements, for defraying expenses of a meeting of the Board,	12	25	
Bank of the Republic, New York, interest on State coupon Bonds, advanced by said bank,	13,425		
W. L. Pomeroy, Stationery for the State,	807	96	

Public fund— disbursements.	1858. Dec.		
			\$
		W. L. Pomeroy, Seal for Comptroller's office,	11
		R. H. Page, Secretary of State, 24 boxes adamantine candles for the State, including freight from Petersburg,	221 73
		H. D. Turner, stationery for Secretary of State,	128 90
		H. D. Turner, stationery for Executive Department,	17 05
		H. D. Turner, stationery for Treasury Department,	73 70
		H. D. Turner, stationery for Comptroller's Department,	16 57
		H. D. Turner, stationery for Supreme Court Office,	3 95
		H. D. Turner, bottle Ink for Adjutant General's Office,	50
		Pulaski Cowper, Private Secretary to Gov. Bragg, for sealing 55 State Bonds,	5 50
		C. Dewey, Cashier Bank State N. C., Check Book for Treasury Department,	23 75
		N. J. Myatt, 50 cords firewood for State,	166 80
		D. L. Swain, Commissioner of Sinking Fund, expenses of meeting in Raleigh,	36
		W. N. Edwards, Commissioner of Sinking Fund, expenses of meeting in Raleigh,	27
		Quent. Busbee, Secretary of Sinking Fund, for his services,	12
		W. L. Pomeroy, Books for use of Sinking Fund,	28 75
	1859. Jan.	Sundry persons, interest on Bonds of the State of North Carolina, due 1st Monday in January, 1859,	9,684
		Sundry persons, interest on Bonds of Fayetteville & Western Plankroad Company, due 1st Monday in January, 1859,	2,985
		R. H. Lowry, Cashier of Bank of the Republic, New York, interest on coupon Bonds of the State of North	

1859.	Jan.		\$ 94,605	Public fund— disbursements.
		Carolina, advanced by said Bank,		
		R. H. Lowry, Cashier of Bank of the Republic, New York, interest on coupon Bonds of Cape Fear and Deep River Navigation Company, advanced by said Bank,	8,415	
		W. H. Battle, Judge Supreme Court, his 4th quarter's salary for 1858,	625	
		R. M. Pearson, Judge Supreme Court, his 4th quarter's salary for 1858,	625	
		Thomas Ruffin, Chief Justice Supreme Court, his salary from 11th to 31st Dec., 1858,	138 89	
		J. R. Dodge, Clerk Supreme Court at Morganton, his salary for 1858,	150	
		J. L. Bailey, Judge Superior Courts, for 15 certificates from 7th circuit,	1,245	
		Marcus Erwin, Solicitor, for 10 certificates from 7th circuit,	200	
		Will. A. Jenkins, Attorney General N. C., for attending Supreme Court in Raleigh, December Term, 1858,	100	
		W. H. & R. S. Tucker, articles for Executive Mansion,	34 05	
		John Craven, for work, &c., at Executive Mansion,	32 86	
		Ebenezer Emmons, Jr., Assistant Geologist, his last half year's salary for 1858,	750	
		J. J. Chaplin, balance for binding 2000 copies Emmons' Geological Survey, for the State,	257 12	
		Pulaski Cowper, Secretary to Board of Internal Improvements, for attending meeting of Board one day,	3	
		Randolph county Agricultural Society, State's quota for 1858,	50	
		Duplin county Agricultural Society, State's quota for 1858,	50	
		Quent. Busbee, Assistant Clerk to the Senate, for 62 days services Legislature 1858-'59,	372	
		Bank of Cape Fear at Raleigh, six months interest on \$60,000 loaned the State,	1,800	

Public fund—
disbursements.1859.
Jan.Geo. T. Cooke, Postmaster in Raleigh,
postage stamps for offices of Gov-
ernor and Secretary of State,

\$ 56

Moses A. Smith, Postmaster at Salis-
bury, postage stamps for paying
postage on Supreme Court Reports,
sent from Salisbury,

15 20

James E. Morris, his salary for 1858,
as keeper of Public Arms in New-
Berne,

150

Holden & Wilson, printing for Ex-
ecutive Department,

10

Bramly Sasser, a pension for 1858,

40

R. C. Cotten, Adjutant General, his
last half year's salary for 1858,

100

Graham Daves, Secretary, expenses
of Council of State for meeting in
Raleigh, Jan. 15th, 1859,

214 90

Bank of the State of North Carolina,
interest on Bonds of Raleigh and
Gaston Railroad Co., endorsed by
the State,

14,295

Richmond county Agricultural Socie-
ty, State's quota for 1858,

50

Briggs & Dodd, 1 case for Geological
Room, and 2 cases for State Libra-
ry in Capitol,

29

Adams Express, freight on package
from New York,

1

John Cross, for services in removing
safe from dray into Comptroller's
office,

2

Feb.

Paid members of the General Assem-
bly of North Carolina, Session
1858-'59, as follows :

Henry T. Clark,

Speaker Senate, Edgecombe co.,

402

W. S. Ashe, " N. Hanover "

311 40

B. S. Basnight, " Tyrrell "

329 20

L. N. B. Battle, " Nash "

297 60

M. A. Bledsoe, " Wake "

285

E. J. Blount, " Pitt "

280 60

Geo. D. Boyd, " Rockingham "

305

Bedford Brown, " Caswell "

268 26

L. B. Carmichael, " Wilkes, "

323

1859. Feb.	Joseph B. Cherry, Senate, Bertie County,	\$	174	Public fund— disbursements.
	R. G. Cowper, " Hertford "		291	
	J. W. Cunningham " Person "		262	
	W. F. Davidson, " Mecklenb'g "		305	
	E. W. Davis, " Stanly "		319	80
	Richard Dillard, " Chowan "		283	
	Joseph Dobson, " Yadkin "		304	80
	R. S. Donnell, " Beaufort "		300	60
	B. C. Douthitt, " Davidson "		312	
	B. M. Edney, " Henderson "		345	
	J. D. Flanner, " Craven "		252	
	Ralph Gorrell, " Guilford "		280	
	D. C. Guyther, " Martin "		334	40
	W. J. Houston, " Duplin "		304	
	L. W. Humphrey, " Onslow "		309	40
	W. K. Lane, " Wayne "		250	
	M. Lankford, " Franklin "		290	40
	J. T. Leach, " Johnston "		255	
	J. J. Martin, " Stokes "		305	20
	A. R. McDonald, " Moore "		297	
	T. D. McDowell, " Bladen "		273	80
	A. A. McKoy, " Sampson "		304	15
	E. P. Miller, " Caldwell "		326	50
	L. A. Mills, " Rutherford "		337	60
	T. J. Person, " Northampt'n "		305	
	T. J. Pitchford, " Warren "		276	40
	John Pool, " Pasquotank "		284	40
	J. G. Ramsay, " Rowan "		299	60
	F. D. Reinhardt, " Catawba "		320	37
	J. P. Speight, " Greene "		301	40
	Walter L. Steele, " Richmond "		275	
	E. H. Straughan, " Chatham "		294	
	C. H. K. Taylor, " Granville "		288	
	W. H. Thomas, " Jackson "		352	40
	Josiah Turner, " Orange "		289	20
	Sam'l H. Walkup, " Union "		298	
	W. P. Ward, " Jones "		305	
	Mat. C. Whitaker, " Halifax "		271	20
	C. C. Williams, " Camden "		329	90
	Jonathan Worth, " Randolph "		285	
	Thomas Settle, Speaker Commons, Rockingham co.,		401	60
	J. C. Badham, " Chowan "		329	
	J. S. T. Baird, " Buncombe "		345	
	C. C. Barbee, " Harnett "		286	60

1859. Feb.	Public fund— disbursements.				
		B. M. Baxter,	Commons,	Currituck	co., \$ 311
		J. A. Benbury	"	Tyrrell	" 294
		James Blount,	"	Robeson	" 303 75
		R. R. Bridgers,	"	Edgecombe	" 277
		H. W. Brummell,	"	Davidson	" 306
		J. H. Bryan,	"	Craven	" 307
		R. K. Bryan,	"	N. Hanover	" 284
		T. D. Bryson,	"	Jackson	" 351
		J. M. Bullock,	"	Granville	" 269
		E. B. Burns,	"	Cabarrus	" 317 20
		W. P. Burke,	"	Alexander	" 321
		Samuel Byrd,	"	Yancey	" 334 40
		Tod R. Caldwell,	"	Burke	" 327
		D. F. Caldwell,	"	Guilford	" 292 80
		E. C. Chambers,	"	Montgomery	" 306
		Abraham Clapp,	"	Guilford	" 299 20
		Ambrose Costner	"	Lincoln	" 317 40
		W. A. Cox,	"	Jones	" 305
		Thoxas Cox,	"	Pitt	" 279
		John A. Craven,	"	Randolph	" 309
		John S. Daney,	"	Edgecombe	" 283
		A. J. Dargan,	"	Anson	" 319
		Gilbreth Dixon	"	Cleaveland	" 334
		O. H. Dockery,	"	Richmond	" 335
		W. T. Dortch,	"	Wayne	" 235
		Edwin D. Drake,	"	Warren	" 297
		T. J. Dula,	"	Caldwell	" 323
		Peter Eller,	"	Wilkes	" 327
		John A. Fagg,	"	Madison	" 378 10
		E. J. Faison,	"	Sampson	" 302 40
		G. H. Faribault,	"	Wake	" 270
		Tihnan Farrow,	"	Hyde	" 328 80
		D. D. Ferebee,	"	Camden	" 311 41
		N. N. Fleming,	"	Rowan	" 241
		James H. Foy,	"	Onslow	" 309 40
		F. Fries,	"	Forsythe	" 302 20
		Ephraim Gaither	"	Davie	" 291 80
		A. B. F. Gaither,	"	Iredell	" 296 40
		O. P. Gardner,	"	Rutherford	" 321 50
		Rid'k Gatling, jr,	"	Gates	" 321
		Allen Gentry,	"	Ashe	" 330 20
		R. N. Green,	"	Chatham	" 293
		W. F. Green,	"	Franklin	" 283 40
		N. F. Hall,	"	Rowan	" 315 40
		D. C. Hall,	"	Warren	" 297

1859.				
Feb.	T. L. Hargrove, Com'ns, Granville co.,	\$	276	
	J. S. Harrington, " Harnett "		293	60
	P. T. Henry, " Bertie "		327	80
	R. H. Hester, " Person "		280	80
	William Hill, " Halifax "		234	20
	Joel F. Hill, " Stokes "		312	
	A. Higgins, " McDowell "		330	
	Mark Holdsclaw, " Watauga "		335	60
	Jno. F. Hutchins, " Wake, "		285	
	Henry C. Jones, " Craven "		307	
	Pride Jones, " Orange "		293	
	John Kerr, " Caswell "		301	
	William Kirby, " Sampson "		303	
	J. A. Leak, " Anson "		279	20
	Samuel Leffers, " Carteret "		316	70
	Geo. N. Lewis, " Nash "		305	
	W. Long, " Halifax "		259	40
	Samuel L. Love, " Haywood "		351	
	E. B. Lyon, " Granville "		292	60
	Jacob McCotter, " Pitt "		304	60
	W. McL. McKay, " Cumberland "		297	
	A. H. Martin, " Wilkes "		324	60
	John Masten, " Forsyth "		302	60
	Thos D. Meares, " Brunswick "		270	80
	John A. Moore, " Chatham "		274	
	Augus. Moore, " Martin "		325	
	G. J. Moore, " N. Hanover "		310	
	J. M. Morehead, " Guilford "		271	
	Timothy Morgan, " Pasquotank "		331	
	Henry Mordecai, " Wake "		144	
	Nathan Newby, " Perquimans "		314	
	Jos. S. Norman, " Washington "		336	
	J. W. Norwood, " Orange "		293	
	David Outlaw, " Bertie "		321	40
	H. M. Pritchard, " Mecklenburg "		305	
	J. W. Purdie, " Bladen "		272	40
	M. W. Ransom, " Northampton "		261	20
	D. F. Ragan, " Gaston "		315	
	R. E. Reeves, " Surry "		313	80
	V. Ripley, " Henderson "		345	
	B. F. Roney, " Alamance "		297	20
	W. H. Sanders, " Johnston "		365	20
	Junius I. Scales, " Alamance "		290	60
	John Shaw, " Moore "		297	
	H. Sherrill, " Catawba "		320	

Public fund—
disbursements.

Public Fund—
disbursements. Feb.

1859.

A. K. Simonton, Commons, Iredell county,	\$ 287
F. L. Simpson, " Rockingham"	300
M.W. Smallwood, " Northamp'n"	310
W. N. H. Smith, " Hertford "	231 20
Thomas Sparrow, " Beaufort "	313
W. H. A. Speer, " Yadkin "	322 50
A. D. Speight, " Greene "	279 60
J. D. Stanford, " Duplin "	301
J. H. Stephens, " Columbus "	323 20
W. P. Taylor, " Chatham "	289
B. H. Tomlinson, " Johnston "	265 20
E. A. Thompson, " Wayne "	280
Jesse Thornburg, " Randolph "	298
M. T. Waddill, " Stanly "	348
W. C. Walker, " Cherokee "	370 80
W. Wallace, " Mecklenb'rg"	321
Henry Walser, " Davidson "	310 10
W. R. Ward, " Duplin "	307
B. Washburn, " Rutherford "	290
A. G. Waters, " Cleaveland "	333 80
Alex. Watson, " Robeson "	305 70
N. B. Whitfield, " Lenoir "	301
T. C. Wilson, " Union "	323 60
S. E. Williams, " Caswell "	300
Samuel Windley, " Beaufort "	316 80
H. G. Woodfin, " Macon, "	386
Thomas Cox, " Pitt, additional,	12
T. J. Dula, " Caldwell "	3
N. N. Fleming, " Rowan "	18
William Hill, " Halifax "	15
D. F. Ragan, " Gaston "	9
John Hill, Principal Clerk of the Senate,	818
J. W. Alspaugh, Assistant Clerk of the Senate,	283
Edward Cantwell, Principal Clerk House of Commons,	798
Geo. Howard, jr., Assistant Clerk House of Commons,	696
L. W. Joyner, Engrossing Clerk,	378 20
Caleb Hill, " "	375
James E. Ward, " "	365
James Page, Principal Doorkeeper of the Senate,	370

1859.			
Feb.	C. C. Tally, Assistant Doorkeeper of the Senate,	352	Public fund—disbursements.
	W. S. Webster, Principal Doorkeeper House of Commons,	354	
	John Lawrence, Assistant Doorkeeper House of Commons,	365 80	
	Sundry temporary Engrossing Clerks, as follows :		
	Edward Vail,	90	
	Willie J. Palmer,	8	
	Thomas D. Sledge,	12	
	T. B. Macon,	8	
	Theo. H. Hill,	8	
	Lawrence Badger,	72	
	John C. Blake,	28	
	William H. Dodd,	12	
	Thomas S. Lemay,	8	
	James A. Moore,	8	
	Drury King, for 4 days services as Assistant Doorkeeper to House of Commons,	12	
	Paid sundry persons, under Resolutions passed by the General Assembly of 1858-'59, as follows :		
	W. R. Baird,	7 44	
	James F. Jenkins,	24	
	W. J. W. Crowder,	100	
	Elias Barnes,	20	
	Tod R. Caldwell, Ex'r of John Caldwell, dec'd,	51 73	
	Tod R. Caldwell, for Donald Fraser,	15	
	W. H. & R. S. Tucker,	53 88	
	John Wilson,	28 31	
	D. Crosby,	16 55	
	William Thompson,	17 50	
	John Word,	26 32	
	E. D. Nichols,	25	
	Henry J. Brown,	18	
	Theodore Schrader,	23 23	
	G. M. Albright,	8 72	
	H. D. Turner,	86 55	
	Sundry persons, interest on Bonds of the State of North-Carolina,	555	
	Sundry persons, interest on Bonds of		

Public fund— disbursements.	1859. Feb.	Fayetteville & Western Plankroad Co.,	\$	225
		Bank of Cape Fear at Raleigh, interest for 6 months on \$20,000,		600
		Bank of Cape Fear at Raleigh, interest for 6 months on \$16,000,		480
		Pescud & Gatling, articles for Executive Mansion,		5 20
		McPheeters & Ghiselin, articles for Executive Mansion,		96 18
		Boy Patrick, for putting 9 Grates in Executive Mansion,		45
		H. C. Jones, Reporter to Supreme Court, his last half year's salary for 1858,		300
		Paid R. C. Pearson, President of Western North-Carolina Railroad Company, 60 State coupon Bonds of \$1000 each, dated Jan. 1st, 1859, and running 30 years, issued on account of said Road,	60,000	
		Accrued interest to Feb. 8th, 1859,	380	
		William White, postage for Executive Department,		4 66
		Rutherford County Agricultural Society, State's quota for 1858,		50
		Allen Gentry, for Roaring Gap Road,		87 89
		W. E. Anderson, Treasurer Insane Asylum N. C., on account of said Asylum,	5,000	
		Letitia M. Bray, a pension allowed by Legislature 1858-'59,		40
		John H. DeCarteret, for binding 112 vols. Reports of Supreme Court, &c.,		87 20
		William Green, Sheriff of Haywood County, for making returns of election in said county for Governor, Senatorial and Congressional Elections in 1858,		88 66
		Briggs & Dodd, for work on water closets in Capitol,		250
		W. H. McKee, President Board Directors of Asylum for the Deaf and Dumb and the Blind,		350

1859. Feb.		\$	Public fund— disbursements,
	Holden & Wilson, printing for the General Assembly of 1858-'59,	3,257	99
	C. H. Brogden, Comptroller, his 3rd quarter's salary for 1858,	250	
	Adams Express, freight on package from New York,	1	
	Raleigh & Gaston Railroad Company, freight on Safe for Comptroller's Department,	26	91
	Donnans & Johnston, 12 boxes Candles for the State, including freight, &c.,	111	48
	William Thompson, for repairing chairs and desks in Capitol, and putting case for papers and cloth on desk and table in Private Secretary's Office,	18	50
	S. H. Herring & Co., one patent Iron Safe for Comptroller's Dep't, etc.,	326	75
	W. L. Pomeroy, Equity Seal and Press for Watauga County, and Seals and Presses for County and Superior Courts of Rutherford co.,	42	
	W. L. Pomeroy, stationery for Legislature of 1858-'59,	207	95
	W. L. Pomeroy, 2 Colton's Maps of United States, for use of the Legislature,	25	
	Drury King, money paid by him to Jerry for cutting wood for Capitol in November, 1858,	7	
	Willard Felt & Co., one Ledger for Treasury Department,	33	25
	G. W. Ally, Operator of Magnetic Telegraph in Raleigh, sending 3 messages to New York for Public Treasurer,	3	83
	E. Newlin, for New York Journal of Commerce, from Feb. 27th, 1859, to Feb. 27th, 1860,	9	
	Thos. J. Lemay, for 4 days services in examining the account of Holden & Wilson, State printers,	12	
	Henry James, one copy Johnson's new Map of the Republics of North America, for State Library,	10	

Public fund— disbursements	1859. Feb.	Bank of the Republic, New York, interest on State coupon Bonds, advanced by said Bank,	\$ 4,125
		Bank of the Republic, New York, in- terest on Bonds of Cape Fear & Deep River Navigation Company, advanced by said Bank,	60
	March.	Thos. H. Holmes, Secretary of Samp- son County Agricultural Society, the State's quota for 3 years,	150
		J. J. Chaplin, binding documents for the Legislature of 1858-'59,	130 53
		Graham Daves, Secretary to Board of Internal Improvements, for one day's services of members and secretary of Board,	32
		Graham Daves, for one day's services as Secretary to Council of State, and sealing one Bond of Fayette- ville & Western Plankroad Com- pany,	1 90
		S. M. Ray, Sheriff of Yancey County, for making return of Congressional election in said County, in August, 1858,	8 83
		John W. Ellis, Governor of North Carolina, his 1st quarter's salary for 1859,	750
		Graham Daves, Private Secretary to Gov. Ellis, his 1st quarter's salary for 1859,	75
		Ebenezer Emmons, State Geologist, his last half-year's salary for 1858,	1,250
		W. F. Ramsay, for work done on Executive Mansion,	4
		Adams Express, freight on linen from New York for Executive Mansion,	1 83
		Waterhouse & Bowes, Gas pipe and fixtures for Executive Mansion,	1,026 85
		James M. Towles, Straw cutter for Executive Mansion,	30 25
		Clark & Henderson, for painting dome on Executive Mansion,	100
		C. A. Hart, Bro. & Co., sundry arti- cles for Executive Mansion,	134 25

1859. Mar.			
	Heartt & Iredell, articles for Executive Mansion,	\$ 20	50
	William Thompson, book cases, &c., for Executive Mansion,	55	Public fund—disbursements.
	John T. Gilmore, Senator from Cumberland county, for his services in the General Assembly of 1858-'59,	297	
	S. M. Ray, Sheriff of Yancey county, making return of Election for Governor in 1858,	35	
	William E. Anderson, under resolution of Legislature 1858-'59, authorizing Public Treasurer to pay amount of one quarter's salary, on account of late Chief Justice Frederick Nash, to Jan. 1st, 1859,	625	
	Robert Strange, Solicitor, for 4 certificates from 5th circuit,	80	
	E. B. Freeman, Clerk of Supreme Court at Raleigh, his half year's salary ending Dec. 31st, 1858,	150	
	Recording 2,385 pages at 30 cents,	715	50
	J. Litchford, Marshal to Supreme Court at Raleigh, for attending said Court 82 days, December Term, 1858,	164	
	R. M. Saunders, Judge Superior Courts, for 1 certificate from 1st circuit,	90	
	W. E. Anderson, Treasurer Insane Asylum of North Carolina, on account of said Asylum,	3,000	
	Bank of Cape Fear at Raleigh, interest for 6 months on \$10,000,	300	
	Bank of Cape Fear at Raleigh, interest for 6 months on \$2,000,	60	
	Bank of Cape Fear at Raleigh, interest for 6 months on \$9,500,	285	
	Bank of the State of North Carolina, interest on temporary loan of \$70,000,	161	07
	Bank of the Republic, New York, interest on State coupon bonds, advanced by said Bank,	7,065	
	Bank of the Republic, New York, interest on coupon bonds of Cape Fear and Deep River Navigation Com-		

Public fund—
disbursements, 1859.
Mar

pany, advanced by said Bank,	\$ 480
Sundry persons, interest on bonds of North Carolina,	371
Alfred Jones, interest on bonds of Fayetteville & Western Plankroad Company,	105
Holden & Wilson, printing for the several Departments in State Capitol,	177 50
Peggy Gardner, a pension as widow of Theophilus Gardner,	40
Bank of Wilmington, premium for \$9,803 check on New York,	49 05
Bank of the State of North Carolina, premium for \$50,000 check on New York,	250
Sundry persons, public taxes refunded by resolutions of General Assembly 1858-'59,	539 72
Drury King, Superintendent, expenses of cleaning Capitol,	9 80
O. H. Perry, subscription for newspapers and periodicals for State Library,	44
O. H. Perry, State Librarian, 1st quarter's salary,	87 50
C. Dewey, Cashier of the Bank of the State of North Carolina, temporary State loan,	70,000
R. H. Page, Secretary of State, his 1st quarter's salary for 1859,	200
D. W. Courts, Public Treasurer, his 1st quarter's salary for 1859,	500
W. R. Richardson, Clerk of Treasury Department, his 1st quarter's salary for 1859,	187 50
Drury King, Superintendent of Capitol, his 1st quarter's salary for 1859,	65
B. F. Moore, for 4 State Bonds or \$1000 each, issued in March, 1849, and running 10 years,	4,000
Drury Lacy, for 1 State Bond of \$1000, issued in March, 1849, and running 10 years,	1,000
R. C. Pearson, President of Western N. C. Railroad Company, on account of said Road,	20,000
New York Journal of Commerce, ad-	

1859.			
Mar.	vertising proposals for North Carolina Bonds,	\$	15 41
	Telegraphic dispatch to New York for Public Treasurer,		95
	Graham Daves, Private Secretary to Governor Ellis, postage stamps for State Offices in Capitol,		42
	Adams Express, freight on package from New York,		1 25
	George W. Mordecai, Treasurer of Forest Manufacturing Company, 100 reams paper for the State,		798
	E. B. Freeman, coal for Supreme Court Room, December Term, 1858,		65 89
	G. W. Alley, Operator Magnetic Telegraph in Raleigh, 2 dispatches to New York for Public Treasurer,		2 39
	William Thompson, chairs for Executive Office,		12
	Graham Daves, Private Secretary to Governor Ellis, for sealing 100 State Bonds at 10 cents,		10
	Telegraphic Dispatch to New York for Public Treasurer,		95
	S. M. Ray, Sheriff of Yancy county, settling public taxes due from said Sheriff and making return of Senatorial Election in said county, in August, 1858,		49 15
April.	Clark & Henderson, in part payment for painting done at Executive Mansion,		100
	A. T. Stewart & Co., sundry articles for Executive Mansion,		937 78
	E. V. Haughwout & Co., glass and china for Executive Mansion,		108 12
	Graham Daves, his expenses to New York to purchase furniture for Executive Mansion,		18
	Graham Daves, payment of freight on sundry articles for Executive Mansion,		50 99
	J. & C. Berrian, sundry articles for Executive Mansion,		31 50
	John G. Williams & Co., for \$827 check on New York to pay Bruner		

Public fund—
disbursements.

Public fund— disbursements.	1859. April.		
		& Moore, for sundry articles for Executive Mansion,	\$ 831 14
		Graham Daves, expenses for hauling furniture, &c., from Railroad to Executive Mansion,	3 75
		Wm. M. Kennedy, for plastering and whitewashing at Executive Mansion,	58
		P. F. Pescud, paints, &c., for Executive Mansion,	274 48
		James M. Towles, articles for Executive Mansion,	15 50
		Clark & Henderson, balance for painting Executive Mansion,	424 95
		R. M. Pearson, Chief Justice Supreme Court, his 1st quarter's salary for 1859,	625
		W. H. Battle, Judge Supreme Court, his 1st quarter's salary for 1859,	625
		Thomas Ruffin, Judge Supreme Court, his 1st quarter's salary for 1859,	625
		Will. A. Jenkins, Attorney General, for 6 certificates from 3d Circuit,	120
		Robert Strange, Solicitor, for 3 certificates from 5th Circuit,	60
		W. E. Anderson, Treasurer Insane Asylum, N. C., on account of said Asylum,	7,000
		R. H. Page, Secretary of State, for furnishing Holden & Wilson, State printers, with copies of 287 Laws of the Legislature of 1858-'59 at \$2 per copy; 87 Resolutions at 50 cents per copy, and copy of "an act to provide for running and marking the dividing line between the States of North Carolina and Virginia," furnished to Gov. Ellis,	619 50
		Geo. R. Sledge, money refunded to him by Resolution of the Legislature of 1858-'59,	75 20
		Joseph N. Long, money refunded to him by Resolution of the Legislature of 1858-'59,	40
		William A. Walton, money refunded to him by Resolution of the Legislature of 1858-'59,	117 46

1859. April.			
	Paid sundry persons, for State Bonds, issued in 1859, and running 10 years, as follows :		Public fund— disbursements,
	Will. A. Graham, Ex'r, for 1 State Bond of \$1000, due April, 1859,	\$ 1,000	
	E. B. Freeman, for 3 State Bonds of \$1000 each, due April, 1859,	3,000	
	Willis Whitaker, for 1 State Bond of \$1000, due April, 1859,	1,000	
	A. Jones, for 5 State Bonds of \$1000 each, and 1 Bond of \$500, due April, 1859,	5,500	
	Catharine Boylan, for 2 State Bonds of \$1000 each, due April, 1859,	2,000	
	Thomas Ruffin, Ex'r, for 1 State Bond of \$500, due April, 1859,	500	
	William Boylan, for 3 State Bonds of \$1000 each, and 1 Bond of \$500, due April, 1859,	3,500	
	Jos. A. Engelhard, for 2 State Bonds of \$1000 each, due March, 1859,	2,000	
	J. W. Norwood, Guardian of Jo. Blount, for 3 State Bonds of \$1000 each, 1 do. of \$2000, and 1 do. of \$500, due March and May, 1859,	5,500	
	Ralph P. Buxton, Adm'r, for 1 State Bond of \$1000, due April, 1859,	1,000	
	Matthias Barrier, Treasurer of Western Carolina Male Academy, for 2 State Bonds, due June, 1859,	2,000	
	C. L. Hinton, for Grizzy and Sarah B. Hinton, for 1 State Bond of \$1000, due March, 1859,	1,000	
	William Peace, Treasurer of the Rex Hospital, for 1 State Bond of \$1000, due April, 1859,	1,000	
	Theo. F. Keehn, Adm'r, for 2 State Bonds of \$600 each, due April, 1859,	1,200	
	John M. Rose, Treasurer of Fayetteville & Western Railroad Company, on account of appropriation to said Road by the General Assembly of 1858-'59,	100,000	
	W. H. Jones, Cashier of the Branch Bank of Cape Fear at Raleigh, 1 Note dated 16th March, 1855, for		

Public fund—
disbursements

1859.		
April.	\$10,000; 1 Note dated 16th, April, 1855, for \$1,000; 1 Note dated March 30th, 1857, for \$9,500; 1 Note dated 5th May, 1857, for \$29,500; 1 Note dated January 6th, 1855, for \$40,000; and 1 Note dated February 13th, 1855, for \$10,000,	\$ 100,000
	C. Dewey, Cashier of the Bank of the State of North Carolina, 1 Note dated March 9th, 1859, for \$70,000,	70,000
	W. H. Jones, Cashier of the Branch Bank of Cape Fear at Raleigh, interest on State loans,	1,884 74
	O. H. Perry, his 1st quarter's salary for 1859, as Librarian of the Senate and House of Commons,	12 50
	Seaton Gales, 8 volumes Raleigh Register at \$5 33 per volume, for State Library,	42 80
	John H. DeCarteret, binding 12 volumes Newspapers, &c., for State Library,	20 25
	B. F. Moore, 6 Books, English Railway and Canals, for State Library,	18 50
	R. F. Simonton, Treasurer of Western N. C. Railroad Company, 48 State Coupon Bonds of \$1,000 each, dated April 1st, 1859, and running 30 years, issued on account of said Road	48,000
	Accrued interest to 18th April, 1859,	144
	Cash paid R. F. Simonton, on account of said Road,	2,000
	Bank of the State of North Carolina, interest on Bonds of Raleigh & Gaston Railroad Company, advanced by said Bank,	390
	Ebenezer Emmons, State Geologist, for one quarter's salary from Jan. 1st, to April 1st, 1859,	625
	Ebenezer Emmons, jr., Assistant Geologist, for one quarter's salary from Jan. 1st to April 1st, 1859,	375
	Mat. Conklin, Assistant Geologist, for one year's salary from March 20th, 1858, to March 20, 1859,	600
	Jas. Fulton and N. M. Long, Members	

1859. April.		\$		Public fund— disbursements.
	of the Board of Internal Improve- ments, and Graham Daves, Secreta- ry, for one day's meeting of said Board in Raleigh,		32	
	William Percival, rock furnished, and 730 lbs. railroad iron, for putting under rock over two cisterns con- nected with water closets in Capitol, Bank of the Republic, New York, in- terest on State coupon bonds, ad- vanced by said Bank,		171 90	
	Bank of the Republic, New York, in- terest on one C. F. & D. R. coupon bond, advanced by said Bank,		51,510	
	Sundry persons, interest on State cou- pon bonds,		15	
	Sundry persons, interest on Bonds of the State of North Carolina,		1,980	
	Edward Cantwell, one quarter's salary in 1859, for Gen. R. C. Cotten, as Adjutant General of North Carolina,		738 84	
	Adams Express, freight on package coupons from New York to Raleigh,		50	
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 101 State Bonds,		2	
	Two Telegraphic dispatches to New York, for Public Treasurer,		10 10	
	Adams Express, freight on 50 State Bonds from Raleigh to New York,		4 07	
	Bank of the Republic, New York, for Telegraphic dispatch to Public Treasurer,		16 67	
	Adams Express, freight on package from New York to Raleigh,		95	
	R. J. Mitchell, under resolution of the Legislature 1858-'59,		1	
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 50 State bonds,		15 81	
	W. B. Reid, Agent in Raleigh for Adams Express, freight on 100 N. C. Bonds,		5	
	Adams Express, freight on package from New York to Raleigh,		33 33	
	G. W. Alley, Operator of the Magnetic Telegraph in Raleigh, for sundry		1 25	

1859.		
Public fund— disbursements.	April. dispatches to and from New York, for Public Treasurer,	\$ 16 39
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 112 State Bonds,	11 20
	Adams Express, freight on \$50,000 N. C. Bonds from Raleigh to New York,	16 67
	F. W. Moore, S. J. Latham, and L. S. Webb, as Trustees of Gilbert L. Moore, under resolution of the Legis- lature of 1858-'59,	120
	Adams Express, freight on package from New York to Raleigh,	1
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 60 State bonds,	6
	Adams Express, freight on 50 N. C. bonds,	16 66
	Adams Express, freight on 50 N. C. bonds, and Telegraphic dispatch,	18 25
	G. W. Alley, Operator of the Magnet- ic Telegraph in Raleigh, for dis- patches to New York, for Public Treasurer,	5 44
May.	Marshall Parks, President of Albe- marle & Chesapeake Canal Com- pany, 100 State coupon bonds of \$1000 each, dated April 1st, 1859, and running 30 years, issued on ac- count of said improvement.	100,000
	Bank of the State of North Carolina, for bonds of the Cape Fear and Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	2,822 29
	Elias Bryan, for bonds of the Cape Fear and Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	2,822 29
	Henry A. London, Trustee, on account of the Cape Fear and Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	709 41
	Graham Daves, Private Secretary to Gov. Ellis, for expenses to Pittsboro'	

1859. May.		\$	Public fund— disbursements
	to attend the sale of the Cape Fear and Deep River Navigation Works for the State,	12	52
	R. W. Lawson, for 9 Bonds of the Cape Fear and Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	10,181	25
	M. M. Henry, Executrix, for bonds of the Cape Fear and Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest and costs,	2,848	70
	Henry A. London, for traveling expenses,	84	72
	W. D. Bethell, for 10 bonds of the Cape Fear and Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	11,335	48
	William Watson, for upholstering, papering, &c., at the Executive Mansion,	612	50
	G. D. Hardie, freight on North Carolina Railroad on articles for the Executive Mansion,	72	09
	Briggs & Dodd, for repairs, &c., on the Executive Mansion,	288	32
	Bank of the Republic, New York, interest on State coupon bonds, advanced by said Bank,	5,655	
	Bank of the Republic, New York, interest on bonds of Cape Fear and Deep River Navigation Company, advanced by said Bank,	60	
	Sundry persons, interest on bonds of the State of North Carolina,	720	21
	R.M.Saunders, Judge Superior Courts, for 9 certificates from 1st circuit,	885	
	William Lander, Solicitor, for 12 certificates from 6th circuit,	240	
	E. C. Hines, Solicitor, for 10 certificates from 1st circuit,	200	
	Marcus Erwin, Solicitor, for 2 certificates from 7th circuit,	40	

Public fund —
disbursements

1859.		
May.	Will. A. Jenkins, Attorney General, for 4 certificates from 3d circuit,	\$ 80
	Bank of the State of North Carolina, interest on bonds of Raleigh and Gaston Railroad Company, ad- vanced by said Bank,	360
	Martha Spears, a pension for 1858,	100
	Geo. T. Cooke, Postmaster in Raleigh, boxes in Postoffice for the different departments in the Capitol,	4 60
	Geo. T. Cooke, Postoffice stamps for use of the several departments in the Capitol,	50
	William Percival, for work about the Capitol,	260 20
	Sundry persons, for bonds of the State of North Carolina, issued in 1849, and running 10 years, as follows :	
	B. F. Moore, 1 bond of \$1,000,	1,000
	F. R. Cotten, 1 " \$500,	500
	Jarvis Buxton, 3 bonds of \$1,000 each,	3,000
	Seth Jones, 3 bonds of \$1,000 each, and one of \$500,	3,500
	Jas. H. Carson, 10 bonds of \$1,000 each,	10,000
	H. W. Montague, 5 bonds of \$1,000 each,	5,000
	W. H. Jones, Cashier, 6 bonds of \$1,000 each,	6,000
	Geo. W. Mordecai, 1 bond of \$1,000 and 1 of \$500,	1,500
	C. Dewey, Agent, 2 bonds of \$1,000 each, and 1 of \$500,	2,500
	John M. Rose, Treasurer of Fayette- ville and Western Railroad Com- pany, on account of the State's ap- propriation to said Road,	100,000
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 59 State Bonds,	5 90
	William Watson, under resolution of the Legislature of 1858-'59,	7
	W. B. Reid, Agent in Raleigh for the Adams Express, freight on 3 pack- ages from New York to Raleigh,	3

1859.			
May.	Graham Daves, Private Secretary to Gov. Ellis, for sealing 361 State Bonds,	\$ 39 60	Public fund—disbursements.
	Adams' Express, freight on package from New York to Raleigh,	1	
	W. L. Pomeroy, Seals for the County Courts of Franklin, Duplin and Onslow counties,	36	
	G. W. Alley, Operator of the Magnetic Telegraph in Raleigh, Dispatches to New York for the Public Treasurer,	5 34	
	Danforth, Perkins & Co., New York, for printing sundry coupon Bonds of the State of North-Carolina,	3,071 50	
June.	James Fulton, member of the Board of Internal Improvements, and Graham Daves, Secretary to said Board, for meeting in Raleigh, June 22d, 1859,	20	
	C. H. Brogden, Comptroller, his salary for the 4th quarter, 1858, and 1st quarter, 1859,	500	
	Williams Cross, for 2 Bonds of \$500 each, of Cape Fear & Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	1,135 70	
	R. P. Dick, for 1 Bond of \$1000 and 1 \$500 of Cape Fear & Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	1,704 15	
	J. W. Scott, for Bond of Cape Fear & Deep River Navigation Company, of prior lien to the State's mortgage, inclusive of interest,	1,136 70	
	Henry A. London, Treasurer of Cape Fear & Deep River Navigation Company, sundry bills paid by James Cassidey, for repairing Boats, and provisions,	500	
	Graham Daves, Private Secretary to Gov. Ellis, his 2nd quarter's salary for 1859,	75	

Public fund— disbursements.	1859. June.		
		W. J. Lougee, articles for the Execu- tive Mansion,	\$ 74 62
		John A. Avirett, jr., for arresting Owen, a slave, and bringing him from Selma, Ala., to Kenansville, North Carolina as a fugitive from justice,	200
		John W. Sandford, Cashier of the Bank of Clarendon, interest on Note for \$20,000, dated Feb. 7, 1859,	121 64
		S. Jewett, Cashier of the Bank of Wilmington, interest on Note for \$10,000, dated March 14, 1859,	3 29
		Sundry persons, interest on Bonds of the State of North-Carolina, issued in 1849, and running 10 years,	357
		Robert Strange, Solicitor, for 7 cer- tificates from 5th Circuit,	140
		D. F. Caldwell, Judge Superior Courts, for 12 certificates from 4th Circuit,	975
		R. R. Heath, Judge Superior Courts, for 14 certificates from 5th Circuit,	1 155
		H. C. Jones, Reporter of the decisions of the Supreme Court, his 1st half year's salary for 1859,	300
		John M. Dick, Judge Superior Courts, for 10 certificates from 3d Circuit,	975
		Thomas Ruffin, jr., Solicitor, for 12 certificates for 4th Circuit,	240
		William Lander, Solicitor, for 3 cer- tificates from 6th Circuit,	60
		J. J. Bruner, for printing and cover- ing No. 1, Vol. 6, of Jones' Law, and No. 2, Vol. 4, Jones' Equity Reports,	590
		W. J. Houston, Solicitor, for 11 cer- tificates from 2nd Circuit,	220
		Jesse G. Shepherd, Judge Superior Courts, for 11 certificates from 2nd Circuit,	975
		John L. Bailey, Judge Superior Courts, for 8 certificates from 6th Circuit,	720

1859. June.			Public fund— disbursements.
	M. E. Manly, Judge Superior Courts, for 15 certificates from 7th circuit,	\$ 1,245	
	Forest Manufacturing Company, paper for Public Printing,	1,037 40	
	Holden & Wilson, printing 16 quires Warrants for Chairman of Common Schools, and 240 quires Tax Lists, &c.,	434 50	
	Holden & Wilson, for printing the Laws and Journals of the Legislature of 1858-'59,	3,514 57	
	Holden & Wilson, for advertising sales of State Bonds,	22 50	
	Thomas J. Lemay, examining the account of Holden & Wilson for printing the Laws and Journals of the General Assembly of 1858-'59.	6	
	Bank of the State of North-Carolina, premium for \$50,000 check on New York.	250	
	Bank of the State of North-Carolina, premium on \$20,000 check on New York,	150	
	Bank of Clarendon, premium for \$19,502 51 check on New York,	195 03	
	John G. Williams & Co., premium for 2 checks on New York,	23 75	
	Bank of Fayetteville, premium for \$9,751 26 check on New York,	97 51	
	George T. Cooke, Postmaster in Raleigh, postage stamps for State Offices in Capitol,	73 16	
	Norwood, Parker & Co., tax refunded,	23	
	John L. Barnes, tax refunded,	5	
	W. F. Sanderson, tax refunded,	15	
	William Percival, for planning improvements, &c., in State Capitol,	440	
	Briggs & Dodd, for work done on the Legislative Library in the Capitol,	165	
	O. H. Perry, for expenses incurred by him on account of the State Library,	11 63	
	O. H. Perry, State Librarian, his 2d quarter's salary for 1859,	112 50	

Public fund— disbursements.	1859. June.		
	June.	Bank of Clarendon, temporary State loan,	\$ 20,000
		Bank of Wilmington, temporary State loan,	10,000
		R. H. Page, Secretary of State, his 2nd quarter's salary for 1859,	200
		Drury King, Superintendent of the Capitol, his 2nd quarter's salary for 1859,	65
		Jesse H. Lindsay, for 10 State Bonds of \$1000 each,	10,000
		George Bower, for 3 State Bonds of \$1000 each,	3,000
		William Peace, Treasurer of the Rex Hospital fund, for 1 State Bond of \$1000,	1,600
		R. N. & D. C. Henderson, for 1 State Bond of \$1000,	1,000
		D. W. Courts, Public Treasurer, his 2nd quarter's salary for 1859,	500
		W. R. Richardson, Clerk of the Treasury Department, his 2nd quarter's salary for 1859,	187 50
		John W. Syme, for advertising sales of N. C. Bonds in Raleigh Register,	21 50
		W. Drake Parsons, for advertising sales of N. C. Bonds in New York Daily News,	35 15
		Adams Express, freight on package from New York to Raleigh,	1
		Danforth, Perkins & Co., N. Y., for printing coupon Bonds of the State of North Carolina,	48
	July.	J. J. Chaplin, for binding Laws, Journals and Documents of the General Assembly of 1858-'59,	1,599 24
		Hamilton & Carter, for keeping the Capitol grounds in order 6 months, and 8 evergreens for said grounds,	159 75
		Williams Cross, interest on Bond of Cape Fear and Deep River Navigation Company,	35
		James Cassidey, for accounts at Wilmington, evidenced by vouchers from 1 to 28 inclusive, on account of	

1859. July.			
	the Cape Fear and Deep River Navigation Company,	\$4,868	13
	Samuel L. Adams, part payment in advance for delivering laws, &c., in the eastern counties of the State,		Public on disbursements.
	C. C. Tally, part payment for delivering Laws, &c., in 10 counties of the State,	25	
	John W. Ellis, Governor of North Carolina, his 2d quarter's salary for 1859,	100	
	Charles Kuester, for work done at the Executive Mansion,	750	
	Waterhouse & Bowes, 1 glass globe for the Executive Mansion,	58 55	
	Henry J. Brown, articles for the Executive Mansion,	1	
	E. C. Belvin, articles for the Executive Mansion,	4	
	C. B. Mench & Co., articles for the Executive Mansion,	8 65	
	Hamilton & Carter, articles for the Executive Mansion,	45	
	Will. H. Battle, Judge of Supreme Court, his 2d quarter's salary for 1859,	15 70	
	Will. A. Jenkins, Attorney General, for attending Supreme Court in Raleigh, June Term, 1859, in discharge of his official duties,	625	
	Tho's Ruffin, Judge Supreme Court, his 2d quarter's salary for 1859,	100	
	R. M. Pearson, Chief Justice Supreme Court, his 2d quarter's salary for 1859,	625	
	Jas. Litchford, Marshal of Supreme Court, for attending said Court 46 days, at \$2 per day, June Term, 1859,	625	
	E. B. Freeman, Clerk of Supreme Court at Raleigh, as follows:	92	
	For his half-year's salary ending June 30, 1859,	150	
	For recording 2,372 pages at 30 cents per page,	711 60	

Public fund— disbursements,	1859. July.		
		For 6 Record Books, bought of E. J. Hale & Son,	\$ 60
		W. E. Anderson, Treasurer Insane Asylum of North-Carolina, on account of said Asylum,	5,000
		Bank of the State of North Carolina, interest on sundry temporary State loans,	356 73
		R. H. Lowry, Cashier of the Bank of the Republic, New-York, interest on State Coupon Bonds, advanced by said Bank,	94,335
		At the Public Treasury, interest on State Coupon Bonds,	45
		R. H. Lowry, Cashier of the Bank of the Republic, New-York, interest on Coupon Bonds of Cape Fear and Deep River Navigation Company, advanced by said Bank,	7,620
		Sundry persons, interest on Bonds of the State of North-Carolina, due 1st Monday in July, 1859,	7,194 73
		Sundry persons, interest on Bonds of Fayetteville & Western Plankroad Company, due 1st Monday in July, 1859,	3,015
		C. Dewey, Cashier of the Bank of the State of North-Carolina, interest on sundry Bonds of Raleigh & Gaston Railroad Company, endorsed by the State,	10,380
		R. H. Page, Secretary of State, his allowance as to public printing,	100
		James E. Morris, keeper of Public Arms at New Berne, his half year's salary for 1859,	75
		Moses A. Smith, Postmaster in Salisbury, postage for 82 copies of No. 1, Vol. 6, Jones' Law, and No. 2, Vol. 4, Jones' Equity Reports, sent to the Clerks and Judges,	15 08
		Calvin Evans, Adm'r, tax refunded by resolution of the Legislature 1858-'59,	1880
		G. F. McNeill, M. S. Stokes, and Ca-	

1859. July.			Public Fund— disbursements.
	leb R. Phillips, Commissioners to improve the public road leading from Wilkesboro' to Jefferson,	\$ 1,000	
	Drury King, Superintendent, for defraying expenses incurred by him about the Capitol,	8 25	
	P. F. Pescud, glass and putty for the Capitol,	10 31	
	E. C. Belvin, articles for the Capitol,	9 95	
	W. L. Pomeroy, Books for the State Library,	21	
	Seaton Gales, 7 volumes of old English newspapers, for the State Library,	35	
	Bank of the State of North Carolina, 3 temporary State loans in March 1859,	80,000	
	Sundry persons, for State Bonds issued in 1849, and running 10 years, as follows :		
	W. H. Jones, Cashier of the Branch Bank of Cape Fear at Raleigh, for 3 Bonds of \$1,000 each, and 1 of \$500,	3,500	
	C. Dewey, Cashier of the Bank of the State of North Carolina, for 3 Bonds of \$1,000 each, and 1 of \$500,	3,500	
	J. H. Bryan, jr., agent for J. C. Winder, for 1 Bond of \$1,000,	1,000	
	Parker Rand, for 7 Bonds of \$1,000 each,	7,000	
	Harrison Rand, for 1 Bond of \$1,000,	1,000	
	W. A. Graham, for 1 Bond of \$500,	500	
	Geo. W. Mordecai, for 3 Bonds of \$1,000 each, and 1 of \$500,	3,500	
	Geo. W. Haywood, for 2 Bonds of \$500 each, and 1 of \$1,000,	2,000	
	Thomas Ruffin, for 3 Bonds of \$1,000 each,	3,000	
	Wesley Jones, for 1 Bond of \$1,000,	1,000	
	W. H. Jones, Cashier of the Branch Bank of Cape Fear at Raleigh, for 56 Bonds of \$1,000 each, 1 of \$500 and 1 of \$600,	57,100	
	J. Willcox Brown, agent for John V. Willcox, for 10 Bonds of \$1000 each	10,000	

1859

Public fund—
disbursements.

1859.			
July.	E. B. Freeman, for 1 Bond of \$1,000,	\$	1,000
	W. S. Whitaker, for 1 Bond of \$1,000,		1,000
	C. L. Hinton, for 1 Bond of \$500,		500
	Jno. W. Rogers, attorney for Mary Ann Rogers, for 2 Bonds of \$500 each,		1,000
	B. B. Guion, for Mary R. Wheaton, for 1 Bond of \$1,000,		1,000
	William Boylan, for 6 Bonds of \$1,000,		6,000
	B. S. Harrison, for 2 Bonds of \$1,000 each,		2,000
	Cadwallader Jones, for 1 Bond of \$1,000,		1,000
	A. J. Yorke, for P. N. Heilig, adm'r of John H. Miller, for 2 Bonds of \$1,000 each,		2,000
	G. W. Alley, operator of Magnetic Telegraph in Raleigh, 3 dispatches to New York, for Public Treasurer,		4 39
	1 Telegraphic Dispatch from Raleigh to Wilmington, for Comptroller,		1 46
	W. E. Anderson, Agent for the Forest Manufacturing Company, paper furnished for use of the State,		159 60
	Adams Express, freight on package from Harrisburg to Raleigh,		1 75
	James McKimmon, remnant of cloth for Executive Mansion,		3
	Adams Express, freight on package from New York to Raleigh,		1 50
	Holden & Wilson, boxes, nails, &c., for use of the State,		23 45
	Graham Daves, cost of Seal for Richmond County Court,		11 75
	Adams Express, freight on package from New York to Raleigh,		1
	New York Journal of Commerce, for advertising North Carolina Bonds,		2 35
Aug.	N. M. Long, member of the Board of Internal Improvements, for attending meeting of the Board in Raleigh, 9th Aug., 1859,		17
	Graham Daves, Secretary to Board of Internal Improvements, for attending meeting of Board, 9th Aug., 1859		3

1859. Aug.	Sundry Sheriffs, for making returns of the Congressional Election in August, 1859,		Public fund— disbursements.
	Henry A. London, Treasurer of Cape Fear and Deep River Navigation Company, for sundry bills allowed by the Board of Managers of said Works,	\$ 95 66	
	William Cheek, for delivering the Laws, Journals, &c., of the Legis- lature 1858-'59, in 20 counties,	2,772 20	
	Samuel L. Adams, a balance due him for delivering the Laws, Journals, &c., of the Legislature 1858-'59, in 19 counties,	220	
	C. C. Tally, a balance due him for delivering the Laws, Journals, &c., of the Legislature 1858-'59, in 10 counties,	190	
	W. S. Webster, for delivering the Laws, Journals, &c., of the Legis- lature 1858-'59, in 17 counties,	50	
	W. J. Yates, for publishing in West- ern Democrat, Proclamation of Gov. Ellis, for arrest of Owen Nor- ment, a fugitive from justice,	225	
	Will. A. Jenkins, Attorney General, for attending the Supreme Court at Morganton, August term, 1859, in discharge of his official duties,	3	
	M. A. Bledsoe, on account of the In- sane Asylum of North Carolina, 10 State coupon bonds of \$1000 each, dated July 1st, 1859, and running 30 years,	100	
	Walter L. Steele, interest on bonds of Fayetteville and Western Rail- road Company,	10,000	
	Bank of the State of North Carolina, interest on bonds of Raleigh and Gaston Railroad Company, en- dorsed by the State,	150	
	Sundry persons, interest on bonds of the State of North Carolina, due 1st Monday in July, 1859,	90	
		645	

Public fund—
disbursements.

1859.		
Aug.	Bank of Cape Fear at Raleigh, 6 months interest on \$20,000,	\$ 1,200
	Alexander Watson, tax refunded to him by resolution of the Legislature of 1858-'59,	10
	Bank of the State of North Carolina, temporary loans,	20,000
	Sundry Sheriffs, for settling State Taxes in August, 1859, as follows:	
	C. Austin, Sheriff, Union county,	29 80
	J. Cline, " Catawba "	26 32
	William Flynt, " Forsyth "	19
	James Roberts, " Rockingham "	17
	J. W. Steed, " Randolph "	16 33
	Joseph Lusk, " Gaston "	29 80
	E. D. Hampton, " Davidson "	17 66
	J. L. Bundy, " Cabarrus "	23
	R. B. Paschal, " Chatham "	10 33
	Jas. T. Bostick, " Richmond "	16 32
	R. F. Simonton, Treasurer of Western North Carolina Railroad Company	
	100 State coupon bonds of \$1,000 each, dated July 1st, 1859, and running 30 years, issued on account of said Road,	100,000
	Accrued interest to August 13th, 1859,	716 66
	G. W. Alley, operator of the Magnetic Telegraph in Raleigh, 5 dispatches for the Public Treasurer,	5 21
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 76 State bonds,	7 60
	John W. Syme, for advertising sale of N. C. bonds in Raleigh Register,	9
	W. B. Reid, agent in Raleigh for Adams Express, freight on 3 packages from New York,	3
	American Bank Note Company, New York, for engraving sundry bonds of the State of North Carolina,	518 50
	Bank of the Republic, New York, interest on State coupon bonds, advanced by said Bank,	12,645
	Bank of the Republic, New York, interest on coupon bonds of Cape	

1859.		\$	120	Public fund— disbursements.
Sept.	Fear & Deep River Navigation Company, advanced by said Bank, Sundry Sheriffs, for settling State Taxes in September, 1859, as fol- lows:			
	John T. Barnes, Sh'ff, Wilson county,		12 86	
	L. H. Lowrance, " Lincoln, "		27 80	
	E. C. Grier, " Mecklenburg "		25 66	
	Wm. Haymore " Surry "		23	
	C. A. Boon, " Guilford "		14 32	
	P. F. White, " Chowan "		33 92	
	Wm. Patterson, " Alamance "		11	
	W. H. Sanders, " Montgomery "		18 32	
	Tully Davenport, " Tyrrell "		39 64	
	J. C. Smith, " Alexander "		26 74	
	A. B. Long, " Rutherford "		37	
	J. L. Ward, " Polk "		39	
	W. H. Cullom, " Johnston "		6 33	
	J. H. Nethereutt, " Jones "		17 55	
	R. M. Jones, " Orange "		7 66	
	W. A. Thompson, " Wayne "		9 92	
	John A. Vann, " Hertford "		23 66	
	A. W. Bell, " Camden "		33 92	
	G. Durden, " Washington "		36 32	
	Mills H. Eure, " Gates "		27 40	
	A. C. Latham, " Craven "		17 73	
	W. E. Mann, " Pasquotank "		32 60	
	G. M. Green, " Cleaveland "		18 46	
	William Greene, " Haywood "		47	
	E. D. Davis, " Jackson "		49 66	
	Hiram Hunter, " Madison "		45 80	
	Christian Strader, " Caswell "		14 32	
	Hector McNeill, " Cumberland "		11	
	Thomas J. Carr, " Duplin "		13 66	
	W. F. Wasson, " Iredell "		24 32	
	Sidney Deal, " Watauga "		34 32	
	R. G. Tuttle, " Caldwell "		29 66	
	W. W. Long, " Yadkin "		21 66	
	G. B. Threadgill, " Anson "		26 06	
	Isaac Arledge, " Henderson "		43	
	W. D. Humphrey, " Onslow "		17 66	
	James H. Allen, " Brunswick "		24 32	
	Esly Staly, " Wilkes "		28 46	
	Reuben King, " Robeson "		14 52	
	Hilliard Gibbs, " Hyde "		34 34	

Pablo fund—
disbursements.

1859.	J. B. Lee,	Sh'ff Currituck	"	\$	32	32
Sept.	Josiah Hodges,	" Pitt	"		17	92
	Joseph Brittain,	" Burke	"		31	
	W. H. Smith,	" Person	"		11	53
	K. H. Worthy,	" Moore	"		11	
	S. A. Warren,	" Northampton	"		19	
	William Fields,	" Lenoir	"		13	12
	S. M. Ray,	" Yancey	"		38	32
	J. M. Hilliard,	" Davie	"		21	66
	Joseph Marshall,	" Stanly	"		23	
	J. A. Reeves,	" Ashe	"		29	66
	W. H. High,	" Wake	"		3	
	N. W. Cooper,	" Nash	"		17	
	L. Williamson,	" Columbus	"		28	46
	John Martin,	" Stokes	"		22	06
	J. R. Grady,	" Harnett	"		7	
	Robt. R. Tayloe,	" Bertie	"		32	32
	J. F. Jenkins,	" Edgecombe	"		17	92
	E. D. Hall,	" New Hanover	"		20	32
	Nath'l R. Jones,	" Warren	"		11	52
	W. R. Young	" Buncombe	"		43	
	H. H. Davidson,	" Cherokee	"		65	59
	J. G. Crawford,	" Macon	"		53	94
	Wash. Harris,	" Franklin	"		7	13
	J. S. Snow,	" Halifax	"		16	32
	Geo. Dill,	" Carteret	"		42	
	J. R. White,	" Perquimans	"		35	
	W. A. Walton,	" Rowan	"		19	
	W. B. Campbell,	" Beaufort	"		22	16
	G. W. Crumpler	" Sampson	"		11	66
	Joseph H. Gooch,	" Granville	"		9	
	J. E. Exum,	" Greene	"		13	
	W. W. Ward,	" Martin	"		23	
	Sundry Sheriffs, for making returns of the Congressional Election, held in August, 1859,				743	11
	Isaac R. Hunter, Treasurer of Gates County Agricultural Society, the State's quota to said county for '59,				50	
	C. H. Brogden, Comptroller, his 3d quarter's salary for 1859,				250	
	H. A. London, Treasurer of Cape Fear & Deep River Navigation Company, per order of Commission- ers of said Improvement,				5,988	79

1859. Sept.			Public fund— disbursements.
	James Page, for delivering the Laws, Journals, &c., of the Legislature 1858-'59, in 19 western counties,	\$ 333	
	William Cheek, for delivering the Revised Code of N. C. in sundry counties,	162 50	
	John W. Ellis, Governor of North-Carolina, his 3d quarter's salary for 1859,	750	
	Graham Daves, Private Secretary to Gov. Ellis, his 3d quarter's salary for 1859,	75	
	Isaac Arledge, Sheriff of Henderson county, for making return of Equal Suffrage Election, held in August, 1857,	53	
	Geo. H. Blackwell, former Sheriff of Polk county, for making return of election in said county for Governor in August, 1858,	25	
	William Watson, articles for the Executive mansion,	10	
	Caleb Taylor, for work done at the Executive Mansion,	7	
	James R. Dodge, Clerk of Supreme Court at Morganton, his half year's salary to August, 1859,	150	
	For recording 676 pages, at 30 cents,	202 80	
	Robert Strange, Solicitor, for 5 certificates from 5th Circuit,	100	
	Joseph Brittain, Sheriff of Burke county, for 23 days service at \$2, as Marshall to Supreme Court at Morganton, August Term, 1859,	46	
	Bank of Cape Fear at Raleigh, interest on temporary loans,	660	
	Bank of Clarendon, interest on temporary loans,	56 62	
	Bank of the Republic, New York, interest on State coupon Bonds, advanced by said Bank.	4,470	
	Bank of the Republic, New York, interest on coupon Bonds of Cape Fear & Deep River Navigation Company, advanced by said Bank,	600	

Public fund—
disbursements.

1859. Sept.		
	David S. Reid, Ex'r of Thomas Settle, dec'd, interest on Fayetteville & Western Plankroad Bonds,	\$ 150
	Bank of the State of North Carolina, interest on Bonds of Raleigh & Gas- ton Railroad Company, advanced by said Bank,	4,410
	Holden & Wilson, printing 32 vol- umes Journals of Senate and House of Commons, Legislature of 1858 -'59, for Legislative Libraries,	64
	Martha Spears, a Pension for year commencing Sept., 1859,	100
	Alexander Taylor, a Pension for 1859,	50
	John G. Williams, premium for 3 checks on New York,	300
	Bank of the State of North Carolina, premium for check on New York,	75
	James H. Allen, premium for \$5,000 check on New York,	50
	Christian Strader, premium for \$13,000 check on New York,	130
	Bank of Washington, premium for \$804 46 check on New York,	804
	A. H. Sanders, premium for check on New York,	1495
	W. H. Smith, premium for \$1,530 67 check on New York,	1146
	E. D. Hall, premium for \$10,000 check on New York,	75
	Bank of Wilmington, premium for check on New York,	941
	A. B. Long, tax refunded to him,	590
	Esley Staley, " " " "	5082
	J. C. Griffith, " " " "	1644
	James Conoley, " " " "	10
	Jos. Marshall, " " " "	3567
	W. J. Brown, " " " "	416
	Mary Pinner, " " " "	726
	O. H. Perry, State Librarian, his 3d quarter's salary for 1859,	11250
	Bank of the State of North Carolina, temporary loan,	20,000
	Bank of Clarendon, temporary loan,	16,43370
	Bank of Fayetteville, temporary loan,	10,000
	Bank of Clarendon, temporary loan,	20,000

1859. Sept.			Public fund— disbursements.
	R. H. Page, Secretary of State, his 3rd quarter's salary for 1859,	\$ 201	
	Drury King, Superintendent of Capitol, his 3rd quarter's salary for 1859,	65	
	D. W. Courts, Public Treasurer, his 3rd quarter's salary for 1859,	500	
	W. R. Richardson, Clerk of Treasury Department, his 3rd quarter's salary for 1859,	187 50	
	Isaac Arledge, Sheriff of Henderson county, for making returns of Senatorial elections in said county, in August, 1856 and 1858,	12 32	
	G. H. Wilder, Ex'r of N. J. Myatt, for 84½ cords firewood, furnished for Capitol in winter of 1858-'59, and cutting 33 cords at 35 cents,	282 39	
	Adams Express, freight on package from New York to Raleigh,	1	
	Robert Young, for whitewashing Treasurer's Office in Capitol,	4 50	
	John W. Syme, for advertising sale of N. C. Bonds in Raleigh Register,	11	
	Jno. W. Syme, for advertising firewood for Capitol in Raleigh Register,	3 50	
	Graham Daves, Private Secretary to Gov. Ellis, cost of seals for Superior Court of Law and Court of Equity for New Hanover county, including \$1 50 to Adams Express, freight on said seals from Philadelphia to Wilmington,	31 50	
	John Spelman, for packing and marking sundry copies of the Revised Code of North Carolina, and Emersons' Report,	25	
		\$ 1,900,083 24	

SINKING FUND.—(Receipts.)

Sinking fund—
receipts.

STATEMENT E.

Exhibiting the sources from which the Receipts of the Sinking Fund have been derived :

Interest on State coupon bonds owned by Sinking Fund,	\$ 3,780
Railroad Dividends appropriated to Sinking Fund,	89,250
	\$ 93,030

Detailed as follows :

1858.		
Oct.	Received of the Commissioners of the Sinking Fund, as interest on State coupon bonds,	\$ 3,780
Dec.	Received of Raleigh and Gaston Rail- road Company, as dividend on	
1859.	stock in said Road,	29,250
April.	Received of North Carolina Railroad Company, as dividend on stock in	
	said Road,	30,000
Aug.	Received of North Carolina Railroad Company, as dividend on stock in	
	said Road,	30,000
		\$ 93,030

SINKING FUND.—(*Disbursements.*)Sinking fund—
disbursements.

STATEMENT F.

Showing the Disbursements of the Sinking Fund :

Detailed as follows :

1858.		
Oct.	Paid for 2 State coupon bonds of \$1,000 each, bearing interest from 1st day of July, 1858,	\$ 1,920
Dec.	Paid for 29 State coupon bonds of \$1,000 each, and 1 of \$500, bearing interest from Oct. 1st, 1858, and	
1859.	running 30 years,	29,205
April.	Paid for 32 State coupon bonds of \$1,000 each,	31,540
Aug.	Paid for 60 State coupon bonds of \$500 each, dated July 1st, 1859, and running 30 years,	30,000
		\$ 92,665

[NOTE.—In my entries of money paid by the Bank of the Republic, New York, as interest on State bonds, I have used the expression, “advanced by said Bank.” It is proper to remark that the money in all these cases was deposited by the Public Treasurer in said Bank *before* the interest became due, and was paid out by the Bank as agent for the State.]

COMPTROLLER'S DEPARTMENT, }
RALEIGH, N. C. Nov. 15, 1860. }

*To the Honorable, the General Assembly
of North Carolina :*

GENTLEMEN: In obedience to law, I herewith present my Annual Report of the Receipts and Disbursements at the Public Treasury of the State of North Carolina, during the fiscal year ending on the 30th day of September, 1860.

With the highest respect, I have the honor to be

Your obedient servant,

C. H. BROGDEN,
Comptroller.

COMPTROLLER'S STATEMENT.

1860.

GENERAL STATEMENT.

General state-
ment.

Amount in hands of Public Treasurer, Oct. 1st, 1859,	\$ 529,747 10		
Receipts of Literary Fund for fiscal year ending Sept. 30th, 1860,	810,175 12		
Receipts of Public Fund for fiscal year ending Sept. 30, 1860,	2,813,016 61		
Receipts of Sinking Fund for fiscal year ending Sept. 30, 1860,	326,540	4,479,478 83	
Disbursements of Literary Fund for fiscal year ending Sept. 30, 1860,	859,764 01		
Disbursements of Public Fund for fiscal year ending Sept. 30, 1860,	2,676,923 66		
Disbursements of Sinking fund for fiscal year ending Sept. 30, 1860,	327,100	3,863,787 67	
Leaving in hands of Public Treasurer, Oct. 1st, 1860,		\$ 615,691 16	

LITERARY FUND.			Literary fund.
Balance due this fund, Oct. 1st, 1859,	\$ 27,452 32		
Receipts of Literary Fund for fiscal year ending Sept. 30, 1860,	810,175 12	\$ 837,627 44	
Disbursements of Literary Fund for fiscal year ending Sept. 30, 1860,		859,764 01	
Balance overdrawn by this Fund Oct. 1st, 1860,		\$ 22,136 57	

PUBLIC FUND.			
Public fund	Balance due this Fund Oct. 1st, 1859,	\$ 501,659 78	
	Receipts of Public Fund for fiscal year ending Sept. 30, 1860,	2,813,016 61	\$3,314,676 39
	Disbursements of Public Fund for fiscal year ending Sept. 30, 1860,		2,676,923 66
	Balance due this Fund Oct. 1st, 1860,		\$637,752 73
SINKING FUND.			
	Balance due this Fund Oct. 1st, 1859,	\$ 635	
	Receipts of Sinking Fund for fiscal year ending Sept. 30, 1860,	326,540	327,175
	Disbursements of Sinking Fund for fiscal year ending Sept. 30, 1860,		327,100
	Balance due this Fund Oct. 1st, 1860,		\$ 75

RECEIPTS AND DISBURSEMENTS

Literary fund

Of Literary Fund for fiscal year ending Sept. 30, 1860.

		RECEIPTS.	DISBURSEMENTS.
1859.	October,	\$ 292 10	\$ 50,013 80
"	November,	27,609 07	26,825 18
"	December,	17,040 50	15,569 90
1860.	January,	271,458	138,088 22
"	February,	498 36	133,697 19
"	March,	454 54	2,894 47
"	April,	125,942 80	128,637 45
"	May,	29,652 39	38,537 83
"	June,	202	29,116 42
"	July,	141,923 83	134,579 99
"	August,	546 64	4,700 84
"	September,	194,554 89	157,102 72
		\$ 810,175 12	\$ 859,764 01

RECEIPTS AND DISBURSEMENTS

Public fund

Of Public Fund for Fiscal year ending Sept. 30, 1860.

		RECEIPTS.	DISBURSEMENTS.
1859.	October,	\$ 107,986 60	\$ 323,251 71
"	November,	156,199 75	176,356 96
"	December,	64,972 16	57,872 34
1860.	January,	413,013 94	656,604 49
"	February,	199,380 30	150,516 92
"	March,	134,748 81	22,929 75
"	April,	70,700	162,642 62
"	May,	152,316 97	127,947 12
"	June,	193,185 88	93,188 46
"	July,	317,797 48	397,169 21
"	August,	87,408 76	68,847 18
"	September,	915,305 96	439,596 90
		\$2,813,016 61	\$ 2,676,923 66

LITERARY FUND.—(Receipts.)

STATEMENT A.

Literary fund—
receipts.*Exhibiting the several sources from which the Receipts of
the Literary Fund have been derived :*

Entries of Vacant Lands,	\$ 4,257	48
Auction Tax,	1,022	21
Bank Dividends,	74,548	
College Bonds,	5,151	81
Dividend of capital stock in Bank of the State of North Carolina,	502,700	
Navigation Dividends,	1,950	
Individual Notes,	3,880	37
Interest on Individual Notes,	212	70
Interest on College Bonds,	1,704	14
Interest on State Coupon Bonds,	22,560	60
Interest on Fayetteville & Western Plankroad Bonds,	1,080	
Interest on Wilmington & Weldon Railroad Bonds,	3,000	
Raleigh & Gaston Railroad Bonds,	140,000	
Interest on Raleigh & Gaston Railroad Bonds,	4,200	
Premium on State Coupon Bonds,	52	81
Sales of open ground Prairie,	320	
Tax on Retailers of Spirituous Liquors,	11,460	
Wilmington & Weldon Railroad divi- dends,	32,000	
Tax from Catawba county on account of indigent pupil at Deaf and Dumb Asylum,	75	
	\$ 810,175	12

Detailed as follows :

1859.			
Oct.	Received of sundry persons for entries of vacant Lands,	\$ 292	10
Nov.	Sundry persons for entries of vacant Lands,	389	07
	Bank of Cape Fear, dividend on stock held by Literary Board in said Bank	27,220	
Dec.	Sundry persons for entries of vacant Lands,	1,040	50

1859.			
Dec.	Wilmington & Weldon Railroad Company, dividend on Stock held by Literary Board in said Company,	\$ 16,000	Literary fund— receipts.
1860.			
Jan.	Bank of the State of North Carolina, dividend of capital stock held by Literary Board in said Bank,	251,350	
	Bank of the State of North Carolina, dividend on stock held by Literary Board in said Bank,	20,108	
Feb.	Sundry persons for entries of vacant Lands,	498 36	
Mar.	Sundry persons for entries of vacant Lands,	454 54	
April.	Sundry persons for entries of vacant Lands,	267 80	
	Received of C. Dewey, Cashier of the Bank of North Carolina, as dividend of capital stock owned by Literary Fund in Bank of the State of North Carolina,	125,675	
May.	Sundry persons for entries of vacant Lands,	482 39	
	Geo. McNeill, Agent for Cape Fear Navigation Company, dividends on stock in said Company,	1,950	
	Bank of Cape Fear, dividend on stock held by Literary Board in said Bank,	27,220	
June.	Sundry persons for entries of vacant Lands,	202	
July.	Sundry persons for entries of vacant Lands,	142 98	
	Jonas Cline, Sheriff of Catawba county, Auction tax from said county,	85	
	Received of C. Dewey, Cashier of the Bank of North Carolina, as dividend of capital stock owned by Literary Fund in Bank of the State of North Carolina,	125,675	
	Wilmington & Weldon Railroad Company, dividend on stock owned by Literary Fund in said Company,	16,000	
	Jonas Cline, Sheriff of Catawba county, tax on Retailers,	30	
	Jonas Cline, tax for indigent pupil at		

Literary fund— receipts.	1860.		
	July.	Asylum for the Deaf and Dumb and the Blind,	\$ 75
	Aug.	Sundry persons for entries of vacant Lands,	419 97
		J. L. Bundy, Sheriff of Cabarrus coun- ty, Auction tax from said county,	5 85
		Joseph Lusk, Sheriff of Gaston coun- ty, Auction tax from said county,	82
		J. W. Steed, Sheriff of Randolph coun- ty, tax on Retailers,	30
		Joseph Lusk, Sheriff of Gaston county, tax on Retailers,	90
	Sept.	Sundry persons for entries of vacant Lands,	67 77
		Sundry Sheriffs, Auction tax,	1,014 69
		Sundry Sheriffs, tax on retailers of spirituous liquors, as follows:	
		L. H. Lowrance, Sh'ff, Lincoln Co.,	30
		W. H. Cullum, " Johnston "	420
		James Roberts, " Rock'ham "	210
		A. B. Long, " Rutherford "	120
		J. M. Neale, " McDowell "	90
		William Flynt, " Forsyth "	90
		J. H. Nethercutt, " Jones "	60
		P. F. White, " Chowan "	90
		Tully Davenport, " Tyrrell "	60
		Wm. Haymore, " Surry "	180
		G. B. Threadgill, " Anson "	90
		John Martin, " Stokes "	120
		Christian Strader, " Caswell "	150
		T. J. Carr, " Duplin "	210
		M. H. Eure, " Gates "	60
		Goodman Durden, " Washington "	150
		E. C. Grier, " Mecklenb'g "	240
		G. M. Green, " Cleaveland "	90
		Reuben King, " Robeson "	90
		J. H. Allen, " Brunswick "	180
		C. A. Boon, " Guilford "	30
		Joseph Brittan, " Burke "	90
		Hiran Hunter, " Madison "	60
		W. H. Smith, " Person "	90
		A. H. Sanders, " Montgomery "	30
		N. W. Cooper, " Nash "	180
		R. B. Paschal, " Chatham "	150
		S. A. Warren, " North'pton "	60
		W. A. Walton, " Rowan "	450

1860. Sept.				Literary fund— receipts.
	Charles Byrd, Sheriff,	Yancey co.,	\$ 60	
	R. M. Jones,	Orange "	150	
	W. D. Humphrey,	Onslow "	210	
	J. B. Lee,	Currituck "	120	
	C. Austin,	Union "	120	
	W. W. Long,	Yadkin "	90	
	W. E. Mann,	Pasquotank "	240	
	J. A. Reeves,	Ashe "	60	
	B. Fitzrandolph,	Bladen "	90	
	J. L. Ward,	Polk "	90	
	J. A. Vann,	Hertford "	90	
	J. J. Bennett,	Richmond "	60	
	A. W. Bell,	Camden "	150	
	J. M. Hilliard,	Davie "	60	
	Isaac Arledge,	Henderson "	90	
	J. T. Barnes,	Wilson "	630	
	Hilliard Gibbs,	Hyde "	240	
	W. B. Campbell,	Beaufort "	300	
	W. H. High,	Wake "	480	
	Wm. Patterson,	Alamance "	90	
	William Fields,	Lenoir "	180	
	Hector McNeill,	Cumberland "	300	
	R. R. Tayloe,	Bertie "	30	
	K. H. Worthy,	Moore "	180	
	G. W. Crumpler,	Sampson, "	90	
	Esly Staly,	Wilkes "	60	
	E. D. Hall,	New Hano'er "	390	
	L. Williamson,	Columbus "	390	
	Josiah Hodges,	Pitt "	240	
	J. F. Jenkins,	Edgecombe "	180	
	W. Harris,	Franklin "	210	
	A. C. Latham,	Craven "	300	
	Geo. Dill,	Carteret "	150	
	J. R. White,	Perquimans "	30	
	J. H. Gooch,	Granville "	270	
	N. R. Jones,	Warren "	120	
	H. H. Davidson,	Cherokee "	150	
	J. S. Snow,	Halifax "	300	
	W. A. Thompson	Wayne "	450	
	Received of Gov. Ellis, President ex-officio of the Literary Fund, as principal on the following College Bonds owned by Literary Fund:			
	Wake Forest College,			4,151 81
	Clinton Female Institute,			1,000

Literary fund— receipts.	1860. Sept.	Interest on the following College bonds owned by Literary Fund :	
		Mount Pleasant Academy,	\$ 180
		Clinton Female Institute,	270
		Normal College,	300
		Greensboro' Female College,	210
		Chowan Female Institute,	260
		Wake Forest College,	484 14
		Principal on individual notes,	3,880 37
		Interest on individual notes,	212 70
		Interest on State coupon bonds,	12,420
		Interest on bonds of Wilmington and Weldon Railroad Company,	3,000
		Interest on bonds of Raleigh and Gaston Railroad Company,	4,200
		Premium on State coupon bonds,	52 81
		Sales of open ground prairie,	320
		Transferred from Public Fund to Literary Fund, in payment for \$140,000, bonds of Raleigh and Gaston Railroad Company,	140,000
		Transferred from Public Fund to Literary Fund, in payment of in- terest on State coupon bonds,	10,140 60
		Transferred from Public Fund to Lit- erary Fund, in payment of interest on bonds of the State issued on ac- count of Fayetteville and Western Plankroad,	1,080
			\$810,175 12

Literary fund—
disbursements.

LITERARY FUND.—(Disbursements.)

STATEMENT B.

*Exhibiting the several objects for which the Disbursements
of the Literary Fund have been made :*

Common Schools,	\$ 186,054 11
Asylum for the Deaf and Dumb and the Blind,	16,500
Loan to Literary Fund by Continen- tal Bank, New York,	502,700

Interest on Loan by Continental Bank to Literary Fund,	7,533	43	Literary fund— disbursements.
Premium on Northern Funds,	3,494	37	
State coupon bonds held by Literary Fund,	140,160		
General Superintendent of Common Schools,	1,500		
Expense Account,	1,822	10	
	\$859,764		01

Detailed as follows :

1859.			
Oct.	Paid sundry counties, the State's quota for support of Common Schools, Fall distribution, 1859, as follows :		
	Franklin Co., W. T. Johnson, chm'n,	\$	1,141 20
	Forsyth " J. W. Alsbaugh, "		1,275 74
	Beaufort " Joseph Potts, "		1,405 92
	Burke " James Avery, "		830 28
	Cumberland " A. W. Campbell, "		1,051 06
	Halifax " James L. Ousby, "		1,560 84
	N. Hanover " S. D. Wallace, "		1,708 32
	Bertie " Joseph B. Cherry, "		1,196 76
	Gates " S. W. Worrell, "		825 36
	Granville " L. A. Paschal, "		2,076 36
	Guilford " Nathan Hiatt, "		2,217 60
	Wake " W. W. Whitaker, "		2,534 76
	Cleveland " J. R. Logan, "		1,163 64
	Cabarrus " A. J. York, "		1,040 88
	Surry " L. J. Norman, "		900 84
	Chatham " James S. Lasater, "		1,851 60
	Alamance " John Trolinger, "		1,144 92
	Buncombe " M. Patton, "		1,480 56
	Rowan " D. A. Davis, "		1,404 48
	Anson " H. B. Hammond, "		1,215 72
	Craven " John T. Lane, "		1,479 48
	Camden " Thomas Palmer, "		545 88
	Pasquotank " W. W. Kennedy, "		924 96
	Iredell " M. Campbell, "		1,567 44
	Person " G. D. Satterfield, "		1,059
	Wayne " W. K. Lane, "		1,238 09
	McDowell " Wm. A. McCall, "		538 92

Literary fund— disbursements	1859. Oct.		
		Orange Co., Wm. H. Brown, chm'n,	\$ 1,794 84
		Martin " A. H. Coffield, "	835 32
		Robeson " D. C. McIntyre, "	1,329 60
		Lincoln " H. C. Hamilton, "	830 88
		Carteret " John P. C. Davis, "	744 96
		Onslow " D. W. Sanders, "	844 80
		Mecklenb'g, " J. P. Ross, "	1,406 88
		Davie " L. Bingham, "	839 76
		" " " "	839 76
		Edgecombe " David Barlow, "	1,202 16
		Union " M. W. Cuthbertson, "	960 96
		Pitt " Alfred Moye, "	1,289 40
		Yadkin " James Sheek, "	1,141 32
		S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,	500
		John L. Pennington, for publishing in Daily Progress, Newbern, Fall dis- tribution, 1859, for Com. Schools,	24
		Holden & Wilson, for publishing in N. C. Standard, Fall distribution, 1859, for Common Schools,	24 55
		J. G. Parker, for publishing in Golds- boro Tribune, Fall distribution, 1859, for Common Schools,	24
Nov.		Paid sundry counties the State's quota for support of Common Schools, Fall distribution, 1859, as follows :	
		Bladen county, Neill Graham, chm'n, (Spring Distribution,)	\$ 962 88
		Bladen county, Neill Graham, chm'n,	737 88
		Alexander " R. L. Steele, "	600 36
		Warren " Samuel Bobbitt, "	1,243 92
		Randolph " Jonathan Worth, "	1,821 12
		Stokes " Wm. A. Mitchell, "	1,018 80
		Washingt'n " J. Ramsay, (acting) "	573 60
		Johnston " D. H. Holland, "	1,337 92
		Yancey " C. R. Byrd, "	
		(Spring Distribution,)	968 16
		Buncombe " M. Patton, "	
		(Spring Distribution,)	1,480 56
		Caswell " Alvis Lea, "	1,459 32
		Sampson " A. Monk, "	1,402 32
		Cherokee " G. W. Hayes, "	804 36
		Lenoir " James W. Cox, "	666 84

1859.			
Nov.	Greene County, Edw'd Patrick,		
	Chairman,	\$	638 40
	Currituck " E. Morton, "		750 84
	Watanga " John C. Blair, "		401 76
	Wilkes " A. A. Scroggs, "		1,322 04
	Caldwell " W. A. Ballew, "		700 32
	Davidson " John Haines, "		1,694 76
	Wilson " L. D. Farmer, "		810 45
	Ashe " John Reeves, "		1,024 68
	Macon " J. R. Siler, "		
	(Spring Distribution,)		740 33
	Montgomery county, Joseph Erwing,		
	Chairman,		664 56
	S. H. Young, Treasurer N. C. Institu-		1,884
	tion for the Deaf and Dumb and the		
	Blind,		2,000
	Sundry persons, for publishing Fall dis-		12
	tribution, 1859, for Common Schools,		
	as follows :		
	C. H. Foster, Murfreesboro' Citizen,		24
	J. M. Newson, Salisbury Banner,		24
	John W. Syme, Raleigh Register,		24
	T. W. Atkin, Asheville News, Spring		
	and Fall,		36
	Sinclair & Banks, North Carolinian,		
	S. and F. Dis.,		36
	Fulton & Price, Wilmington Journal,		
	S. and F. Dis.,		48
	Holden & Wilson, for 538 copies of		
	the Common School Register,		807
Dec.	Paid sundry counties the State's quota		
	for support of Common Schools,		
	Fall Distribution, 1859, as follows :		
	Hertford county, (Spring Dist.,) Jos.		
	B. Slaughter, Chairman,		798 92
	Chowan county, James D. Wynn,		
	Chairman,		630 24
	Hyde county, N. Beckwith, Chairman,		790 20
	Nash county, (Spring Dist.,) J. J. Q.		
	Taylor, Chairman,		948 58
	Nash county, J. J. Q. Taylor, Chm'n,		948 58
	Jones County, John H. Cox, Chairman,		472 20
	Tyrrell county, (Spring Dist.,) John		
	Dunbar, Chairman,		534 24
	Tyrrell county, John Dunbar, Chair-		
	man,		534 24

Literary fund—
disbursements.

Public fund— disbursements.	1859.		
	Dec.	Brunswick county, John H. Brooks, Chairman,	\$ 714 12
		Richmond county, B. B. McKenzie, Chairman,	952 32
		Columbus county, Haines Lennon, Chairman,	636 96
		Yancey county, C. R. Byrd, Chairman,	968 16
		Macon county, J. R. Siler, Chairman,	740 28
		Henderson county, Joseph Maxwell, Chairman,	825 96
		Haywood county, (Spring Dist.,) Jo- seph Cathey, Chairman,	828
		Perquimans co., E. N. Reddick, Chm'n, (Spring Distribution,)	723 60
		“ “	648 60
		Harnett county, D. McCormick, Chm'n	850 70
		S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,	2,000
		W. J. Yates, for publishing in West- ern Democrat, Fall Distribution, 1859, for Common Schools,	24
	1860.		
	Jan.	Paid the following Counties the State's quota for support of Common Schools, Fall distribution, 1859:	
		Rockingham co., J. W. Burton, Chm'n, (Spring Distribution,)	1,483 56
		“ “	1,483 56
		Catawba county, C. P. Shuford, Chm'n,	988 08
		Haywood, “ J. Cathey, “	828 84
		Stanly, “ L. Green, “	761 76
		S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,	2,000
		C. H. Wiley, General Superintendent of Common Schools, his 4th quar- ter's salary for 1859,	375
		J. W. Alsbaugh, for publishing in Western Sentinel, Fall distribution, 1859, for Common Schools,	2,822 24
		F. I. Wilson, for printing, postage, &c., on account of Common Schools,	366 70
		Continental Bank, New York, interest for six months loan by said bank to Literary Fund of North Carolina,	3,456 06

1860.			Literary fund— disbursements.
Jan.	Continental Bank, N. Y., principal of loan by said Bank to Literary fund of North Carolina,	\$125,675	
Feb.	Bank of the State of North Carolina, premium for \$129,131.06, check on New York, to pay loan made to Literary Fund of North Carolina, on 25th June, 1859,	645 66	
	Paid the following counties the State's quota for support of Common Schools, Fall distribution, 1859 :		
	Hertford co., J. B. Slaughter, chm'n,	798 72	
	Moore " W. D. Dowd, "	1,026 26	
	Gaston " Richard Rankin, "	867 36	
	S. H. Young, Treasurer of the N. C. Institution for the Deaf and Dumb and the Blind,	2,000	
	Continental Bank, New York, interest for six months loan by said Bank to Literary Fund of N. C.,	2,688 04	
	Continental Bank, New York, principal of loan by said Bank to Literary Fund of N. C.,	125,675	
	Bank of the State of North Carolina, premium for \$128,363.04, check on New York, to pay loan made to Literary Fund of N. C.,	641 81	
Mar.	Paid H. Bourden, chairman, the State's quota for support of Common Schools in Duplin county, Spring distribution, 1859,	1,333 32	
	Samuel H. Young, Treasurer of the Asylum for the Deaf and Dumb and the Blind,	1,000	
	F. I. Wilson, for printing Reports, &c., for C. H. Wiley, General Superintendent of Common Schools,	186 15	
	C. H. Wiley, General Superintendent of Common Schools, his 1st quarter's salary, for 1860,	375	
April.	Paid the Bank of North Carolina the 3d instalment of stock subscribed in said Bank by the Literary Board of North Carolina, under "an act to establish the Bank of North		

1860.			
Literary fund— disbursements.	April.	Carolina," ratified the 16th day of February, 1859,	\$125,675
		Bank of North Carolina, interest on 3rd instalment of stock subscribed in said Bank by Literary Board of North Carolina,	1,012 30
		Bank of North Carolina, premium for check on New York to pay the 3rd instalment of stock subscribed in said Bank by Literary Board of North Carolina,	950 15
		S. H. Young, Treasurer N. C. Insti- tution for the Deaf and Dumb and the Blind,	1,000
	May.	Paid sundry counties the State's quo- ta for support of Common Schools, Spring distribution, 1860, as follows:	
		Alamance co., Jno. Trollinger, ch'n,	1,219 92
		Forsyth " J. W. Alspaugh, "	1,275 74
		Wake " W. W. Whitaker, "	2,534 76
		Franklin " W. T. Johnson, "	1,141 20
		Washington " J. Ramsey, (act'g,) "	573 60
		Beaufort " Jos. Potts, "	1,405 92
		Rowan " D. A. Davis, "	1,479 48
		Guilford " Nathan Hiatt, "	2,217 60
		Camden " Thomas Palmer, "	620 88
		Chatham " Jas. S. Lasater, "	1,926 60
		Burke " James Avery, "	830 28
		Davidson " John Harris, "	1,694 76
		Iredell " M. Campbell, "	1,567 44
		Pasquotank " W. W. Kennedy, "	924 96
		Bertie " Joseph B. Cherry, "	1,196 76
		Cabarrus " A. J. York, "	1,040 88
		Orange " W. H. Brown, "	1,794 84
		Wayne " W. K. Lane, "	1,238 09
		N. Hanover " S. D. Wallace, "	1,708 32
		Cumberland " A. M. Campbell, "	1,276 06
		Craven " John T. Lane, "	1,479 48
		Union " S. H. Walkup, "	1,110 96
		Lenoir " James W. Cox, "	741 72
		Chowan " Jas. D. Wynn, "	630 24
		Yadkin " James Sheek, "	1,141 32
		Buncombe " M. Patton, "	1,480 56
		Surry " L. J. Norman, "	975 84
		Warren " Samuel Bobbitt, "	1,243 92

1860.			
May.	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind,	\$ 2,000	Literary fund—disbursements.
	Expenses of meeting of Literary Board, in Raleigh, May 11th, 1860.	65 70	
June.	Paid sundry counties the State's quota for support of Common Schools, Spring distribution, 1860, as follows:		
	Onslow co., D. W. Sanders, Ch'n,	844 80	
	Anson " H. B. Hammond "	1,290 72	
	Person " G. D. Satterfield "	1,059	
	Greene " Edward Patrick "	638 52	
	Jones " E. F. Sanderson "	472 20	
	Granville " L. A. Paschal "	2,076 36	
	Randolph " Jonathan Worth "	1,821 12	
	Martin " A. H. Coffield "	835 32	
	Mecklenb'g " John P. Ross "	1,406 88	
	Alexander " R. L. Steele "	600 36	
	Cleveland " J. R. Logan "	1,163 64	
	Lincoln " H. W. Abernathy "	830 88	
	Carteret " J. P. C. Davis "	744 96	
	Hyde, " N. Beckwith "	790 20	
	Caswell " Alvis Lea "	1,459 32	
	Cherokee " G. W. Hayes "	804 36	
	Stokes " W. A. Mitchell "	1,018 80	
	Harnett " Dan'l McCormick "	850 70	
	Stanly " Lafayette Green "	761 76	
	Ashe " John Reaves "	1,024 68	
	Currituck " J. S. Day "	750 84	
	Macon " J. R. Siler "	740 28	
	Sampson " Archibald Monk "	1,477 32	
	Brunswick " John H. Brooks "	714 12	
	Haywood " J. Cathey "	828 84	
	Hertford " J. B. Slaughter "	798 72	
	Northamp'n " Herod Faison "	1,287 72	
	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind,	2,000	
	John W. Syme, for publishing in Raleigh Register, Spring distribution, 1860, for support of Common Schools,	12	
	W. A. Walsh, for publishing in Warrenton News, Spring distribution, 1860, for support of Com. Schools,	12	
July.	Paid sundry counties the State's quota		

Literary fund—
disbursements.

1860.			
July.	for support of Commons Schools		
	Spring distribution, 1860, as follows:		
	Gates County, S. W. Worrell, Chm'n.	\$	825 36
	Pitt county, Alfred Moye, Chairman,		1,289 40
	Columbus county, Haynes Lennon,		636 96
	Chairman,		
	Wilson county, L. D. Farmer, Chair-		
	man,		810 45
	Washington county, (Fall '59,) Jos.		
	Ramsay, act., Chairman,		573 60
	Edgecomb county, David Barlow, Chair-		
	man,		1,202 12
	Tyrrell county, John Dunbar, Chair-		
	man,		534 24
	Catawba county, G. P. Shuford, Chair-		
	man,		988 08
	Paid the Bank of North Carolina the		
	4th instalment of stock subscribed		
	in said Bank by the Literary Board		
	of N. C., under an "Act to estab-		
	lish the Bank of North Carolina,"		
	ratified the 16th day of Feb., 1859,		125,675
	Bank of North Carolina, interest on		
	4th instalment of stock subscribed in		
	said Bank by Literary Board of N. C.,		377 03
	Bank of North Carolina, premium for		
	check on New York to pay 4th in-		
	stalment of stock subscribed in said		
	Bank by Literary Board of N. C.,		1,256 75
	W. W. Holden, for publishing in N.		
	C. Standard, Spring distribution,		
	1860, for support of Common Schools		12
	H. E. Colton, for publishing in Ash-		
	ville Advocate, Spring distribution,		
	1860, for support of Common Schools		12
	C. H. Wiley, General Superintendent		
	of Common Schools, his 2nd quar-		
	ter's salary, for 1860,		375
	W. J. Yates, for publishing in West-		
	ern Democrat, Spring distribution,		
	1860, for support of Common Schools		12
Aug.	Paid the following counties the State's		
	quota for the support of Common		
	Schools, Spring distribution, 1860:		
	Rockingham co., J. W. Burton, Ch'mn.,		1,483 56
	Johnston " D. H. Holland, "		1,337 92

1860.				
Aug.	Gaston Co., Rich'd Rankin, Ch'n,	\$	867	36
	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind,		1,000	Literary fund-- disbursements.
	J. W. Alsbaugh, for publishing in Western Sentinel Spring distribution, 1860, for support of Common Schools,		12	
Sept.	Paid sundry counties the State's quota for support of Common Schools, as follows:			
	Halifax Co., J. R. Gary, Ch'n,			
	(Fall, 1859,)		1,485	84
	Halifax " J. R. Gary, "		1,560	84
	Robeson " D. C. McIntyre, "		1,329	60
	Rutherford " Housen Harrill, "			
	(Fall, 1859,)		1,486	56
	Rutherford " Housen Harrill, "		1,486	56
	Duplin, " H. Bourden, "		1,258	32
	Caldwell " M. A. Bernhardt, "		700	32
	Watauga, " J. C. Blair, "		401	76
	Montgomery " Jos. Ewing, "		739	56
	Yancey " C. R. Byrd, "		968	16
	Bladen " Neill Graham, "		762	88
	Henderson " Jos. Maxwell, "		825	96
	Richmond " B. B. McKenzie, "		952	32
	Wilkes, " Peter Eller, "		1,397	04
	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind,		1,000	
	John Spelman, for publishing in Salisbury Banner, Spring distribution, 1860, for support of Common Schools.		12	
	C. H. Wiley, General Superintendent of Common Schools, his 3rd quarter's salary for 1860,		375	
	Transferred from Literary Fund to Public Fund, in payment for Bonds of Raleigh and Gaston Railroad Company,		140,160	
			\$859,764	01

PUBLIC FUND.—(*Receipts.*)Public fund—
receipts.

STATEMENT C.

*Exhibiting the several sources from which the Receipts of
the Public Fund have been derived :*

Cherokee Bonds,	\$ 300
Collateral Descent,	415 32
Fayetteville and Warsaw Plankroad Dividend,	100
General Assembly,	70
Insane Asylum tax,	15,450 05
Interest on Fayetteville and Western Railroad Bonds,	9,000
State Coupon Bonds,	1,789,109
Interest on Wilmington, Charlotte and Rutherford Railroad Bonds,	6,000
Interest on Wilmington and Weldon Railroad Bonds,	3,000
Interest on Seaboard and Roanoke Railroad Bonds,	646 45
Money paid by Supreme Court Clerk in Raleigh, under 73rd chapter Re- vised Code,	304 88
Public Taxes,	667,708 80
Revised Code,	71
State Loans,	301,092 14
Tax on Attorney's License,	1,396 50
Tax on Bank Stock,	18,277 47
Tax on Corporations,	75
	\$ 2,813,016 61

Detailed as follows :

1859.	Received of Commissioners of Sinking Fund of North Carolina, on account of 206 State coupon bonds, of \$500 each, dated July 1st, 1859, and run- ning 30 years,	\$ 103,000
Oct.	R. R. Tayloe, Sheriff of Bertie county, on account of indigent insane pa-	

1859.			Public fund— receipts.
Oct.	tients from said county in Insane Asylum of North Carolina,	\$ 1,336 94	
	Trustee of Rowan county, on account of indigent insane patients from said county in Insane Asylum of North Carolina,	246 66	
	Bank of Clarendon, tax on stock in said Bank,	1,200	
	Bank of the State of N. C., tax on stock in said Bank,	2,203	
Nov.	Alfred Holland, Trustee of Johnston county, on account of indigent insane patients from said county in Insane Asylum of N. C.,	201 30	
	Seaboard & Roanoke Railroad Company, interest on bonds of said Company, held by the State of North Carolina,	646 45	
	Issued to R. C. Pearson, President of Western N. C. Railroad Company, 150 State coupon bonds of \$1,000 each, dated Oct. 1st, 1859, and running 30 years,	150,000	
	Accrued interest to Nov. 18th, 1859,	1,225	
	B. F. Harris, for State coupon bonds,	2,727	
	Isaac Winston, for State coupon bonds,	1,400	
Dec.	Sundry persons for State coupon bonds sold to meet liabilities of the State, under "an Act authorizing the Public Treasurer to sell bonds of the State for certain purposes," passed by the Legislature of 1858-'59,	64,102 58	
	Fayetteville and Warsaw Plankroad Company, tolls from said Company,	100	
	S. H. Walkup, on account of board of John M. Gay, an indigent patient from Union county, in Insane Asylum N. C., paid by said county,	144	
	Jesse Bledsoe, Sheriff of Alleghany county, on account of taxes due the State from said county for 1859,	368 22	
	W. T. Dortch, Atty., balance of taxes due the State for 1856 from the former Sheriff of Wilson county,	216 36	

Public fund— receipts.	1859.	Gov. Ellis, on acc't of sales of Revised Code,	\$	16
	Dec.	R. H. Page, tax on account of incorporation of Wilson Female Seminary,		25
	1860.	Sundry persons, for State coupon bonds, sold to meet the liabilities of the State,		210,570 82
	Jan.	Gov. Ellis, on acc't of sales of Revised Code,		55
		Commercial Bank of Wilmington, tax on Stock in said Bank,		888 12
		Interest on Wilmington & Weldon Railroad bonds owned by the State of North Carolina,		1,500
		Issued to H. W. Guion, President of Wilmington, Charlotte and Rutherford Railroad Company, 200 State coupon bonds of \$1,000 each, dated Jan. 1st, 1860, and running 30 years,		200,000
	Feb.	Sundry persons, for State coupon bonds sold to meet liabilities of the State,		117,144
		W. H. High, Sheriff of Wake county, on account of indigent insane patients from said county, in Insane Asylum of N. C.,		656 36
		Will. A. Jenkins, Attorney General, amount of taxes due from the sheriff of Bladen county, for 1858,		6,944 52
		Bank of North Carolina, temporary loan,		74,610 42
		B. Higgins, tax on account of incorporation of Halsey Mining and Smelting Company,		25
	Mar.	Sundry persons, for State coupon bonds, sold to meet liabilities of the State,		48,828
		Jacob Siler, Agent for collection of Cherokee bonds, on account of said bonds,		300
		O. H. Dockery, amount overdrawn by him as a member of the House of Commons, 1858-9,		70
		W. D. Poindexter, Trustee of Yadkin		

1860.			Public fund— receipts.
Mar.		\$	
	county, on account of Rebecca Bagby, an indigent patient, in Insane Asylum of N. C.,	136	20
	Fayetteville and Western Railroad Company, interest on State coupon bonds, issued on account of said Road,	6,000	
	E. B. Freeman, Clerk of Supreme Court at Raleigh, tax on Attorney's License, Dec. Term, 1859,	641	25
	Bank of North Carolina, temporary loan,	78,773	36
April.	Sundry persons, for State coupon bonds, sold to meet liabilities of the State,	44,955	
	J. H. Gooch, Sheriff of Granville county, on account of indigent insane patients from said county, in Insane Asylum of N. C.,	686	29
	Benjamin Bynum, on account of an indigent insane patient from Wilson county, in Insane Asylum of N. C.,	108	
	E. B. Freeman, Clerk of Supreme Court at Raleigh, monies remaining in his office, pursuant to 73d chapter of Revised Code,	304	88
	F. A. Garrett, tax for the charter of "Phoenix Mining Company,"	25	
May.	Bank of North Carolina, temporary loan to meet liabilities of the State,	24,620	83
	Sundry persons, for State coupon bonds sold to meet liabilities of the State,	147,343	83
	H. B. Short, Trustee Washington county, for indigent patients in Insane Asylum,	432	
	P. F. White, Sheriff of Chowan county, tax due from said county for indigent patients in Insane Asylum,	336	
	J. A. Moore, Clerk Superior Court Wake county, money paid in his office by sureties of Geo. W. Glass, former Sheriff of McDowell county, on account of taxes due the State from said Sheriff for 1858,	3,875	14
	John A. Dickson, on account of tax on collateral descent in Burke county,	330	

Public fund—
receipts.

1860.			
June.	Sundry persons, for State coupon bonds, sold to meet liabilities of the State,	\$ 85,431	18
	E. C. Fisher, for board of patients in Insane Asylum from Lincoln county,		288
	Fayetteville & Western Railroad Company, interest on bonds of said Company,	3,000	
	Wilmington, Charlotte & Rutherford Railroad Co., interest on bonds of said Company,	6,000	
	Bank of North Carolina, temporary loans to meet liabilities of the State,	98,466	70
July.	Sundry persons, for State coupon bonds, sold to meet liabilities of the State,	287,093	85
	Jonas Cline, tax due from Catawba county, for board of indigent patient from said county in Insane Asylum,		49
	T. T. Martin, for board of Rebecca Bagby in Insane Asylum,		144
	Bank of North Carolina, temporary loan to meet liabilities of the State,	24,620	83
	Bank of Charlotte, tax on capital stock in said Bank,		750
	Jonas Cline, Sheriff Catawba county, tax due from said county for 1859,	5,139	80
Aug.	Sundry persons, for State coupon bonds, sold to meet liabilities of the State,	13,159	41
	Issued to R. C. Pearson, President of Western N. C. Railroad Company, 50 State coupon bonds of \$1,000 each, dated July 1st, 1860, and running 30 years, issued on account of said Road,	50,000	
	Accrued interest to August 10th, 1860	333	33
	N. R. Jones, Sheriff of Warren county, tax due from said county for board of indigent patients in Insane Asylum,		162
	Sundry Sheriffs, State taxes for 1859, payable in 1860, as follows:		

1860.			Public fund— receipts.
Aug.	N. R. Jones, Sheriff, Warren county, \$	129 92	
	Joseph Lusk, " Gaston "	4,792 22	
	J. W. Steed, " Randolph "	7,524 46	
	J. L. Bundy, " Cabarrus "	8,744	
	Sundry Banks, tax on capital stock in said Banks, as follows:		
	Merchants' Bank,	562 50	
	Farmers' " "	744 75	
	Bank of Yanceyville,	500	
	J. R. Dodge, Clerk Supreme Court at Morganton, tax on Attorney's Li- censes, August term, 1860, of said Court,	228	
	E. B. Freeman, Clerk Supreme Court at Raleigh, tax on Attorney's Li- censes, June term, 1860, of said Court,	527 25	
Sept.	Sundry persons for State Coupon Bonds, sold to meet liabilities of the State,	261,795	
	Sundry Sheriffs, on account of indi- gent insane patients from their re- spective counties, in Insane Asy- lum of N. C., as follows:		
	A. B. Long, Sheriff, Rutherford co.,	144	
	Wm. Flynt, " Forsyth "	356	
	Jos. Marshall, " Stanly "	101	
	John Martin, " Stokes "	540	
	E. D. Hampton, " Davidson "	144	
	E. C. Grier, " Mecklenburg "	283	
	G. M. Green, " Cleveland "	288	
	J. H. Allen, " Brunswick "	144	
	C. A. Boon, " Guilford "	570 95	
	R. B. Paschal, " Chatham "	1,096 97	
	W. A. Walton, " Rowan "	552	
	Chas. Byrd, " Yancey "	117 19	
	R. M. Jones, " Orange "	935 33	
	County Trustee, " Union "	21 94	
	J. L. Ward, " Polk "	401	
	J. A. Vann, " Hertford "	896 66	
	J. M. Hilliard, " Davie "	52	
	Hilliard Gibbs, " Hyde "	144	
	W. B. Campbell, " Beaufort "	432	
	W. H. High, " Wake "	545 91	
	R. R. Tayloe, " Bertie "	432	

Public fund— receipts,	1860. Sept.	E. D. Hall, Sh'ff New Hanover co.	\$	528
		Josiah Hodges, " Pitt "		286
		J. F. Jenkins, " Edgecombe "		383
		Wash. Harriss, " Franklin "		490 43
		J. R. White, " Perquimans "		232
		County Trustee, " Cumberland "		432
		Wilmington and Weldon Railroad Co., interest on \$50,000 bonds of said Company,		1,500
		Sundry Sheriffs, State taxes for 1859, payable in 1860, as follows:		
		L. H. Lawrence, Sh'ff Lincoln co.,		5,179 70
		W. F. Wasson, " Iredell "		8,645 10
		W. H. Cullom, " Johnston "		7,886 97
		James Roberts, " Rockingham "		10,782 02
		A. B. Long, " Rutherford "		5,807 88
		J. W. Neal, " McDowell "		2,812 55
		William Flynt, " Forsyth "		9,584 62
		J. H. Nethercutt, " Jones "		3,885 91
		P. F. White, " Chowan "		6,690
		Tully Davenport, " Tyrrell "		2,461 68
		Wm. Haymore, " Surry "		3,650 23
		G. B. Threadgill, " Anson "		9,350 35
		Jos. Marshall, " Stanly "		2,916 96
		John Martin, " Stokes "		3,905 80
		Wm. Green, " Haywood "		1,695
		J. C. Smith, " Alexander "		2,470 43
		R. G. Tuttle, " Caldwell "		2,877 75
		C. Strader, " Caswell "		13,931 09
		E. D. Hampton, " Davidson "		9,141 75
		T. J. Carr, " Duplin "		8,388 96
		M. H. Eure, " Gates "		5,545 04
		Goodman Burden, " Washington "		4,657 27
		E. C. Grier, " Mecklenb'g "		17,886 68
		G. M. Green, " Cleveland "		4,965 99
		Reuben King, " Robeson "		7,150 47
		J. H. Allen, " Brunswick "		4,276 93
		C. A. Boon, " Guilford "		13,434 28
		Joseph Brittan, " Burke "		4,877 42
		Hiram Hunter, " Madison "		1,294 11
		W. H. Smith, " Person "		8,015 19
		A. H. Sanders, " Montgomery "		3,115 93
		N. W. Cooper, " Nash "		8,310 06
		R. B. Paschal, " Chatham "		9,675 01
		S. A. Warren, " Northampt'n "		10,946 40
		W. A. Walton, " Rowan "		13,961 08

1860. Sept.				
	Sidney Deal, Shff. Watauga county,	\$	1,433 29	Public fund..
	Charles Byrd, " Yancey "		1,832 28	receipts.
	R. M. Jones, " Orange "		11,970 41	
	W.D. Humphrey, " Onslow "		5,082 46	
	J. B. Lee, " Currituck "		3,306 51	
	C. Austin, " Union "		6,014 42	
	J. R. Grady, " Harnett "		3,210 22	
	W. W. Long, " Yadkin "		4,170 93	
	W. E. Mann, " Pasquotank "		8,066 24	
	W. R. Young, " Buncombe "		5,860 13	
	J. A. Reeves, " Ashe "		2,552 62	
	B. Fitzrandolph, " Bladen "		7,541 80	
	J. L. Ward, " Polk "		1,352 78	
	J. A. Vann, " Hertford "		7,408 36	
	J. J. Bennett, " Richmond "		7,142 52	
	A. W. Bell, " Camden "		4,142 53	
	J. M. Hilliard, " Davie "		4,993 35	
	Isaac Arledge, " Henderson "		4,805 53	
	J. T. Barnes, " Wilson "		8,830 92	
	Hilliard Gibbs, " Hyde "		4,793 39	
	W. B. Campbell, " Beaufort "		12,470 77	
	W. H. High, " Wake "		26,299 85	
	Wm. Patterson, " Alamance "		7,129 15	
	Wm. Fields, " Lenoir "		8,632 99	
	Hector McNeill, " Cumberland "		20,908 05	
	R. R. Tayloe, " Bertie "		10,791 86	
	K. H. Worthy, " Moore "		4,822 51	
	G. W. Crumpler, " Sampson "		9,304 51	
	Esly Staley, " Wilkes "		3,990	
	E. D. Hall, " New Hanover "		31,358 74	
	I. Williamson, " Columbus "		4,621 26	
	Josiah Hodges, " Pitt "		11,754 78	
	J. F. Jenkins, " Edgecombe "		23,174 91	
	Wash. Harris, " Franklin "		11,298 68	
	A. C. Latham, " Craven "		18,086 32	
	George Dill, " Carteret "		4,144 53	
	J. R. White, " Perquimans "		6,623 95	
	Jesse Bledsoe, " Alleghany "		1,197 63	
	J. H. Gooch, " Granville "		16,914 81	
	N. R. Jones, " Warren "		15,523 14	
	E. Davis, " Jackson "		1,308 69	
	J. G. Crawford, " Macon "		1,937 52	
	H. H. Davidson, " Cherokee "		2,447 83	
	J. S. Snow, " Halifax "		17,554 97	
	W. A. Thompson, " Wayne "		12,989 41	

Public fund— receipts.	1860. Sept.	Sundry Banks, tax on capital stock in said Banks as follows :	
		Bank of Wadesboro',	\$ 812 50
		Bank of Fayetteville,	950
		Bank of Cape Fear,	3,142 50
		Bank of North Carolina,	5,324 10
		Bank of Clarendon,	1,200
		Geo. Dill, Sheriff of Carteret county, tax on collateral descent,	85 32
			\$ 2,813,016 61

Public fund—
disbursements.PUBLIC FUND.—(*Disbursements.*)

STATEMENT D.

*Showing the several objects for which the Disbursements of
the Public Fund have been made :*

Agricultural Societies,	\$ 2,300
Adjutant General	266 66
Asylum for the Deaf and Dumb and the Blind,	10,000 50
Binding laws,	131 65
Board of Internal Improvements,	94
Cape Fear and Deep River Improve- ment,	71,683 61
Capitol Square,	593
Council of State,	686 30
Comptroller's Department,	1,000
Congressional Election,	10 83
Contingencies,	5,185 85
Distributing Laws,	671 25
Executive Department,	3,300
Executive Mansion,	408 11
Fayetteville and Western Railroad,	100,000
Fugitives from Justice,	589 55
Geological Survey,	7,206 51
Governor's Election,	1,257 50
Interest on coupon bonds of Cape Fear & Deep River Navigation Company,	18,375
Interest on bonds of Fayetteville and Western Plankroad Company,	7,680

		Public fund— disbursements.
Interest on Raleigh and Gaston Railroad Bonds.	\$ 10,920	
Interest on State Coupon Bonds,	442,245	
Interest on State Registered Bonds,	20,881	98
Interest on State Loans,	10,232	89
Insane Asylum,	25,000	
Judiciary,	32,446	23
McDowell and Yancey Turnpike Road,	700	
Pensions,	220	
Post Office,	299	75
Premium on Northern Funds,	2,914	01
Public Arms,	235	45
Public Printing,	1,585	94
Public Tax refunded,	121	90
Raleigh and Gaston Railroad Bonds,	497,500	
Senatorial Election,	304	34
Sheriffs for settling public taxes,	1,969	12
State Department,	600	
State Capitol,	497	93
State Librarian,	450	
State Library,	2,354	47
State Loans,	572,500	
State Registered Bonds,	8,200	
Superintendent of Capitol,	195	
Surplus Revenue,	100,000	
Treasury Department,	2,750	
Western N. C. Railroad,	302,358	33
Western N. C. Railroad Survey,	8,000	
	\$ 2,676,923	66

Detailed as follows :

1859.		
Oct.	Duplin County Agricultural Society,	
	State's quota for 1859,	50
	Buncombe County Agricultural Society,	
	State's quota for 1859,	50
	Davie County Agricultural Society,	
	State's quota for 1859,	50
	J. F. Hutchins, Treasurer of the State Agricultural Society, State's quota to said Society for year ending 1st Monday in October, 1859,	1,500

Public fund—
disbursements.

1859.

Oct.

W. H. McKee, President of Board of Directors, part of an appropriation by "an act to enlarge and improve the buildings of the Asylum for the Deaf and Dumb and the Blind, passed by the Legislature of 1858-'9.	\$	1,600
Graham Daves, Secretary to Board of Internal Improvements, for expenses of meeting of said Board in Raleigh, October 18, 1859.		38
H. A. London, Treasurer of Cape Fear and Deep River Navigation Company.		8,293 33
Ebenezer Emmons, State Geologist, one quarter's salary from April 1 to July 1, 1859.		625
Ebenezer Emmons, jr., Assistant Geologist, two quarter's salary from April 1 to October 1, 1859.		750
William Matthews, for one bake oven built at the Executive Mansion.		35
W. H. Battle, Judge of Supreme Court, his third quarter's salary for 1859.		625
R. M. Pearson, Chief Justice of the Supreme Court, his third quarter's salary for 1859.		625
William A. Jenkins, Attorney General, for six certificates from third Circuit.		120
William Lander, Solicitor for five certificates from sixth Circuit.		100
Marcus Erwin, Solicitor, for two certificates from seventh Circuit.		40
Robert Strange, Solicitor, for seven certificates from fifth Circuit.		140
Thomas Ruffin, Judge Supreme Court, his third quarter's salary for 1859.		625
William E. Anderson, Treasurer Insane Asylum, on account of said Asylum.		5,000
Bank of the State of North-Carolina, interest on temporary loans.		47 33

1859.			
Oct.	Bank of Cape Fear at Raleigh, interest on temporary loans,	\$ 60	
	Isaac Winston, interest on State coupon bonds,	18	Public fund—disbursements.
	Sinking Fund, interest on State coupon bonds,	2,850	
	Bank of the Republic, New York, for interest on State coupon bonds,	69,957	
	James F. Taylor, interest on State bonds,	60	
	James S. Purefoy, interest on State bonds,	66	
	James F. Taylor, interest on bonds of Fayetteville and Western Plank-road Company,	75	
	Holden & Wilson, printing for Executive Department,	55 12	
	Holden & Wilson, printing for Treasury Department,	33 50	
	Holden & Wilson, printing for Comptroller's Department,	19 85	
	Holden & Wilson, printing for State Department,	12 50	
	Bramly Sasser, a pension for 1859,	40	
	D. G. McRae, his salary as keeper of State Arsenal at Fayetteville, for year ending September 30, 1859,	60	
	George T. Cooke, Postmaster in Raleigh, postage stamps furnished Comptroller's Department,	6	
	George T. Cooke, postage stamps furnished Executive Department,	10	
	George T. Cooke, postage stamps furnished State Officers,	20	
	C. N. White, tax overpaid by him for 1856, to Sheriff of Cabarrus,	54	
	Drury King, for various services about the Capitol,	11 10	
	E. J. Hale & Son, books for State Library,	29 98	
	Bank of the State of North Carolina, temporary loans,	125,500	
	James C. Turner, Chief Engineer, for organizing corps of Engineers for Western North Carolina Railroad,	4,000	

Public fund—
disbursements.

1859.		
Oct.	Paid into the Sinking Fund of N. C., under "an act to create a Sinking Fund," ratified the 2nd day of February, 1857,	\$100,000
Nov.	Mecklenburg county Agricultural Society, State's quota for 1859,	50
	Onslow county Agricultural Society, State's quota for 1859,	50
	Granville county Agricultural Society, State's quota for 1859,	50
	Cumberland county Agricultural Society, State's quota for 1859,	50
	American Bank Note Company, New York, printing sundry coupon bonds for the State of North Carolina,	20
	Adams Express Company, freight on two packages from New York to Raleigh,	2
	Graham Daves, private Secretary to Gov. Ellis, for sealing 266 State bonds,	26 60
	John F. Hoke, Attorney for the State, for collecting collateral tax from John Steele, Administrator of Jas. Cowen, deceased,	6
	Adams Express Company, freight on two packages from New York to Raleigh,	2
	Magnetic Telegraph in Raleigh, two dispatches to New York for Public Treasurer,	3 79
	Edward Newlin, for advertising sales of N. C. bonds in New York Journal of Commerce, in July and Nov. 1859,	15 29
	H. A. London, Treasurer of Cape Fear and Deep River Navigation Company,	13,675 11
	W. S. Webster, for delivering 250 copies Revised Code of North Carolina in sundry counties,	156 25
	C. C. Tally, for delivering 200 copies Revised Code of North Carolina in sundry counties,	125

1859. Nov.	Raleigh and Gaston Railroad Company, freight on 3 boxes, forwarded to Ebenezer Emmons,	\$ 292	Literary fund— disbursements.
	Ebenezer Emmons, State Geologist, 1 quarter's salary to Oct. 1st, 1859,	625	
	J. L. Bailey, Judge of Superior Courts, for 15 certificates from 7th circuit,	1,245	
	Wm. A. Jenkins, Attorney General, for 4 certificates from 3d circuit,	80	
	R. M. Saunders, Judge Superior Courts, for 4 certificates from 2d circuit,	360	
	Marcus Erwin, Solicitor, for 8 certificates from 7th circuit,	160	
	Jesse G. Shepherd, Judge Superior Courts, for 10 certificates from 3d circuit,	975	
	M. E. Manly, Judge Superior Courts, for 10 certificates from 1st circuit,	975	
	E. C. Hines, Solicitor, for 10 certificates from 1st circuit,	200	
	Robert Strange, Solicitor, for 2 certificates from 5th circuit,	40	
	D. F. Caldwell, Judge Superior Courts, for 14 certificates from 5th circuit,	1,155	
	C. H. Austin, Treasurer of Florida, interest on bonds of North Carolina,	360	
	Chancey G. Lee, 1 copy of Mitchell's Atlas for State Library,	12	
	Paid R. C. Pearson President of Western North Carolina Railroad Company, 150 State coupon bonds of \$1,000 each, dated Oct. 1st, 1859, and running 30 years, issued on account of said Road,	150,000	
	Accrued interest to Nov. 18th, 1859,	1,225	
	Bank of the Republic, New York, for interest on State coupon bonds,	3,795	
	B. F. Harris, interest on State coupon bonds,	510	
	Bank of the Republic, New York, for interest on coupon bonds of C. F. & D. R. Nav. Company,	15	
	B. F. Harris, interest on coupon bonds of C. F. & D. R. Nav. Company,	390	
Dec.	Moore county Agricultural Society, State's quota for 1859,	50	

Public fund—
disbursements.

1859. Dec.		
	Robinson county Agricultural Society, State's quota for 1859,	\$ 50
	Jesse Bledsoe, Sheriff of Alleghany county, for making return of the congressional election in said coun- ty, in August, 1859,	10 83
	John A. Averett, a member of the Executive Council, expenses of meet- ing of the Council, Dec. 6th and 7th, 1859,	266
	H. A. London, Treasurer of Cape Fear & Deep River Navigation Company,	12,041 60
	James Page, for delivering boxes of the Revised Code of North Carolina in 19 counties,	250
	John W. Ellis, Governor of North Car- olina, his 4th quarter's salary for 1859,	750
	F. I. Wilson, for David Norris, being reward offered for arrest of James Boon, who was indicted in Superior Court of Yancey county for murder of Alfred F. Keith,	300
	E. Emmons, for C. D. Smith, 3 months salary from Sept. 1st, to December 1st, 1859, as Assistant Geologist,	150
	E. Emmons, State Geologist, one quar- ter's salary to Jan. 1st, 1860,	625
	William Thompson, for work done at Executive Mansion,	7 50
	W. E. Anderson, Treasurer Insane Asy- lum, on account of said Asylum,	5,000
	Sundry persons, interest on State bonds	480 50
	J. V. Wilcox, interest on bonds of Fayetteville & Western Plankroad Company,	390
	J. V. Wilcox, interest on bonds of Ra- leigh & Gaston Railroad Company,	720
	Bank of the Republic, New York, for interest on coupon bonds of N. C.,	3,675
	R. R. Heath, Judge Superior Courts, for 15 certificates from 6th circuit,	1,245
	John M. Dick, Judge Superior Courts, for 12 certificates from 4th circuit,	975
	R. M. Saunders, Judge Superior Courts, for 7 certificates from 2d circuit,	615

1859. Dec.			
	H. C. Jones, Reporter Supreme Court, his last half year's salary for 1859,	\$ 300	Public fund— disbursements.
	J. J. Bruner, for printing, folding, stitching, covering and directing No. 2, vol. 6 Jones' Law, and No. 3, vol. 4 Jones' Equity Reports, with an index and title to each vol.,	952	
	Wm. Lauder, Solicitor, for 10 certificates from 6th circuit,	703	
		200	
	D. K. McRae, acting Solicitor, for 1 certificate from 2d circuit,	20	
	Thomas Ruffin, Jr., Solicitor, for 11 certificates from 4th circuit,	220	
	Bank of North Carolina, premium for \$120,000 checks on New York,	600	
	Geo. T. Cooke, Post Master in Raleigh, postage stamps for Executive Department,	12	
	John V. Wilcox, for 5 bonds of Raleigh & Gaston Railroad Company,	24,000	
	Drury King, for payment of wages of free boy W. H. Dempsey, for services at Capitol,	15	
	Drury King, for cash advanced for work done in Capitol,	6	
	O. H. Perry, State Librarian, his 4th quarter's salary for 1859,	112 50	
	Jesse Bledsoe, Sheriff of Alleghany county, for making returns of taxes due the State from said county for 1858,	29 66	
	R. H. Page, Secretary of State, his 4th quarter's salary for 1859,	200	
	John H. Jones, for 2 bonds of \$1,000 each,	2,000	
	Needham Price, for 1 bond of \$1,000,	1,000	
	D. W. Courts, Public Treasurer, his 4th quarter's salary for 1859,	500	
	W. R. Richardson, Clerk to Treasury Department, his fourth quarter's salary for 1859,	187 50	
	One telegraphic dispatch to New York for Public Treasurer,	95	
	American Bank Note Company, New York, for printing sundry coupon bonds of North Carolina,	125	

Public fund— disbursements.	1859.	Adams Express Company, freight on 3 packages from New York to Ra- leigh,	\$ 7
	Dec.	Magnetic telegraph, sundry dispatches from Raleigh to New York for Pub- lic Treasurer,	13 55
		Graham Daves, private Secretary to Governor Ellis, for sealing one hun- dred State bonds,	10
		Edward Newlin, for advertising sale of N. C. bonds in New York Journal of Commerce, in Dec., 1859,	8 75
1860.	Jan.	Randolph County Agricultural Socie- ty, the State's quota for 1859,	50
		Richmond County Agricultural Socie- ty, the State's quota for 1859,	50
		Henderson County Agricultural Socie- ty, the State's quota for 1859,	50
		Martin County Agricultural Society, the State's quota for 1859,	50
		S. H. Young, part of appropriation by Legislature of 1858-'59 to enlarge and improve the buildings of the Asylum for the Deaf and Dumb and the Blind,	1,600
		H. A. London, Treasurer of Cape Fear and Deep River Navigation Im- provement, on account of said Im- provement,	5,533 60
		Graham Daves, private Secretary to Gov. Ellis, his fourth quarter's sala- ry for 1859,	75
		T. W. Atkin, for advertising in Ashe- ville News, reward for arrest of James Boon, a fugitive from justice in Yancey county,	4 50
		Ebenezer Emmons, Jr., Assistant State Geologist, his fourth quarter's sala- ry for 1859,	375
		R. M. Pearson, Chief Justice Supreme Court, his fourth quarter's salary for 1859,	625
		W. H. Battle, Judge Supreme Court, his fourth quarter's salary, for 1859,	625
		Thomas Ruffin, Judge Supreme Court,	

1860.			
Jan.	his salary from October 1st to November 5th, 1859,	\$	238 32
	M. E. Manly, Judge Supreme Court, his salary from 11th to 31st Dec., 1859.		Public fund— disbursements. 152 26
	W. J. Houston, Solicitor, for 10 certificates from 2nd Circuit,		200
	Marcus Erwin, Solicitor, for 5 certificates from 7th Circuit,		100
	W. E. Anderson, Treasurer Insane Asylum, North Carolina, on account of said Asylum,		5,000
	Bank of Cape Fear, at Raleigh, interest on temporary loans,		3,540
	Interest on State Coupon Bonds owned by Sinking Fund of North Carolina,		4,080
	Sundry persons, interest on Bonds of the State of North Carolina, due 1st Monday in January, 1860,		4,217 06
	Sundry persons, interest on Bonds of Fayetteville and Western Plankroad Company, due first Monday in January, 1860,		2,475
	Sundry persons, interest on Bonds Raleigh & Gaston Railroad Company, due 1st Monday in January, 1860,		9,555
	James E. Morris, his salary to Jan. 1st, 1860, as keeper of public arms in New-Berne,		75
	Geo. T. Cooke, Postmaster at Raleigh, postage stamps for office of Secretary State,		50
	Moses A. Smith, Postmaster at Salisbury, postage for 90 Supreme Court Reports and 9 indexes sent to Clerks and Judges,		11 34
	James L. Battle, on account of tax over paid by him for 1858 to the Sheriff of Edgecombe county,		5 80
	Sundry persons, for bonds of Raleigh & Gaston Railroad Company, due first Monday in January, 1860, and guaranteed by the State of North		

Public fund—
disbursements1860.
Jan.

Carolina, by "an act for the relief of the Raleigh and Gaston Railroad Company," ratified 7th January, 1839, [59,]	\$302,500
H. W. Guion, President of Wilmington, Charlotte and Rutherford Railroad Company, 200 State coupon bonds of \$1,000 each, dated Jan. 1st, 1860, and running 30 years, under an act of Legislature of 1858-'9,	200,000
W. H. Hamilton, for keeping Capitol grounds in order 6 months,	150
Waterhouse & Bowes, gas fixtures for Executive Mansion,	6 25
William Watson, articles for Executive Mansion,	12 25
Charles Kuester, for articles furnished and work done at Executive Mansion,	10 25
F. I. Wilson, printing for Executive and Treasury Departments,	82
James McKimmon, twine, &c., for use of Capitol,	1
Charles Kuester, for work done in Capitol,	82 35
Drury King, for payment of wages of free boy, W. H. Dempsey, for services at Capitol, from November 25th, 1859, to January 1st, 1860,	17 50
George T. Cooke, Postmaster in Raleigh, box in post-office, &c., for use of State Librarian,	3 21
O. H. Perry, State Librarian, subscription to newspapers and periodicals for State Library,	36
Drury King, Superintendent of Capitol, his fourth quarter's salary for 1859,	65
W. S. Mason, for two State bonds of \$1,000 each,	2,000
G. & S. B. Hinton, for one State bond, Bank of the Republic, New York, for payment of interest on coupon bonds of North Carolina, due 1st day of Jan., 1860,	500
	107,793

1860.			Public fund— disbursements.
Jan.	Bank of the Republic, New York, for payment of interest on coupon bonds of Cape Fear and Deep River Navigation Company, due 1st Monday in Jan., 1860,	\$ 3,870	
	Adams Express Company, freight on five packages from New York, to Public Treasurer,		5 50
	Telegraphic dispatches from New York for Public Treasurer,		3 63
	John W. Syme, for advertising in Raleigh Register sales of North Carolina bonds,		27
	E. B. Freeman, for B. B. Lane, coal for Supreme Court Office in Capitol, and freight on same from New-Berne,		56 55
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 690 State bonds,		69
	American Bank Note Company, N. York, printing sundry coupon bonds for the State of North Carolina,		300
	H. D. Turner, stationery for State offices in Capitol,		90 25
	Sending Telegraphic dispatches from N. Y., for Public Treasurer,		15 12
	James R. Dodge, Clerk Supreme Court at Morganton, as follows:		
	His half year's salary, ending January, 1860,		150
	For two Record Books, for said Court,		20
	For transportation of same,		75
Feb.	S. H. Young, Treasurer, under "an act to enlarge and improve the buildings of the Asylum of the Deaf and Dumb and the Blind," passed by Legislature of 1858-'59,		220
	John A. Averett, a member of the Executive Council, for expenses of meeting of the Council held in Raleigh, Feb. 15th, 1860,		240 20
	A. & W. Myers, articles for Executive Mansion,		8 50

1860. Feb.		
Public fund-- disbursements	Marcus Erwin, Solicitor, for 1 certificate from 7th circuit,	\$ 20
	Will. A. Jenkins, Attorney General, for attending Supreme Court in Raleigh, December Term, 1859, in discharge of his official duties,	100
	Bank of Cape Fear, at Raleigh, interest on temporary loan,	180
	Sundry persons, interest on State bonds,	321
	Geo. W. Haywood, interest on bonds of Fayetteville and Western Plankroad Company,	120
	Bank of the Republic, New York, for payment of interest on coupon bonds of North Carolina,	6,495
	Bank of the Republic, New York, for payment of interest on coupon bonds of Cape Fear and Deep River Navigation Company,	4,620
	G. W. Haywood, interest on bonds of Raleigh & Gaston Railroad Comp'y,	60
	W.A. Blount, interest on bonds of Raleigh & Gaston Railroad Company,	360
	Duncan G. McRae, expenses for repairs on State Arsenal at Fayetteville,	40
	James Carpenter, Trustee of Polk county, on account of tax overpaid by E. L. Allen, former sheriff of said county,	62 10
	Drury King, for payment of wages of free boy, W. H. Dempsey, for services at the Capitol, January, 1860,	15
	O. H. Perry, sundry books for State Library, from Johnson & Co., Philadelphia,	528 93
	James S. Purefoy, for one State bond,	1,200
	R. M. Saunders, for McCrady and others, for 4 bonds of Raleigh and Gaston Railroad Company,	11,000
	G. W. Haywood, for 2 bonds of Raleigh and Gaston Railroad Company,	2,000
	W. A. Blount, for 1 bond of Raleigh and Gaston Railroad Company,	12,000
	J. M. Rose, Treasurer of Fayetteville	

1860. Feb.	and Western Railroad Company, on account of said Road, H. A. London, Treasurer of Cape Fear and Deep River Navigation Com- pany, on account of said Improve- ment,	\$100,000	Public fund— disbursements,
	Adams Express Company, freight on package from New York to Raleigh, Parsons & Allen, for advertising sale of North Carolina Bonds in New York News, in December, 1859,	8,916 03	
	W. R. Miller, Superintendent of For- est Manufacturing Company, 214 reams book paper for the State,	1	
	G. H. Wilder, for 101½ cords of wood for Capitol, at \$3 45 per cord,	29 60	
	J. W. Camp, for advertising payment of bonds of Raleigh and Gaston Railroad Company, in New York Journal of Commerce,	1,607 96	
	E. Newlin, for subscription to New York Journal of Commerce from Feb. 28, 1860, to Feb. 28, 1861,	350 50	
	Graham Daves, private Secretary to Gov. Ellis, for sealing 101 State bonds,	2	
Mar.	Sampson County Agricultural Society, State's quota for 1859,	9	
	W. H. Hamilton, water pipes, &c., for drains on Capitol Square,	10 10	
	H. A. London, Treasurer of Cape Fear and Deep River Navigation Compa- ny, on account of said Improve- ment,	50	
	Samuel L. Adams, for delivering Re- vised Code of N. C. in 18 counties,	293	
	John W. Ellis, Governor of North Carolina, his 1st quarter's salary for 1860,	12	
	Graham Daves, private Secretary to Gov. Ellis, his 1st quarter's salary for 1860,	5,977 39	
	Williams & Haywood, articles furnish- ed Executive Mansion,	140	
	W. H. & R. S. Tucker, articles fur- nished Executive Mansion,	750	
		75	
		4 25	
		256 71	

Public fund— disbursements.	1860. Mar.		
		Robert Strange, Solicitor, for 5 certificates from 5th circuit,	\$ 100
		E. B. Freeman, Clerk of Supreme Court at Raleigh, as follows:	
		For his half year's salary, ending 31st December, 1859,	150
		For recording 2,368 pages at 30 cents per page,	710 40
		For 6 record books bought of J. J. Chaplin,	60
		James Litchford, Marshal to the Supreme Court at Raleigh, December Term, 1859, for 96 days attendance on said Court, at \$2 per day,	192
		William H. Battle, Judge Supreme Court, his 1st quarter's salary for 1860,	625
		Will. A. Jenkins, Attorney General, for 4 certificates from 3d circuit,	80
		T. Ruffin, Jr., Solicitor, for 1 certificate from 4th circuit,	20
		Bank of Cape Fear at Raleigh, interest on temporary loans,	480
		Eli Smallwood, interest on State bonds,	360
		Isaac Winston, interest on State coupon bonds,	60
		Bank of the Republic, New York, for payment of interest on coupon bonds of N. C.,	3,702
		Bank of the Republic, New York, for payment of interest on coupon bonds of Cape Fear and Deep River Navigation Company,	690
		Bank of N. C., for W. E. Broadnax, interest on bonds of Raleigh and Gaston Railroad Company,	150
		D. S. Reid, Ex'or of Thos. Settle, dec'd, interest on bonds of Fayetteville & Western Plankroad Company,	150
		F. I. Wilson, for Tax List, Clerks' Abstracts, publishing Comptroller's Report in N. C. Standard, and in pamphlet form, &c.,	1,012 40
		Lettie M. Bray, a pension for 1859,	40
		Bank of N. C., premium for \$85,000 check on New York,	425

1860. Mar.		\$	Public fund— disbursements.
	George T. Cooke, Postmaster in Raleigh, Postage Stamps for Executive and Comptroller's Departments,	22	
	Bank of N. C., for Alexander Broadnax, for Bonds of Raleigh and Gaston Railroad Company,	5,000	
	T. J. Lemay, 27 volumes of Raleigh Star for State Library,	123	
	E. J. Hale & Son, Books for Supreme Court Library,	95 65	
	O. H. Perry, State Librarian, his 1st quarter's salary for 1860,	112 50	
	Drury King, Superintendent of Capitol, his 1st quarter's salary for 1860,	65	
	D. W. Courts, Public Treasurer, his 1st quarter's salary for 1860,	500	
	W. R. Richardson, Clerk of Treasury Department, his 1st quarter's salary for 1860,	187 50	
	Drury King, for payment of wages of free boy, W. H. Dempsey, for services at Capitol from Feb. 1st, to March 1st, 1860,	15	
	J. J. Chaplin, 1 day book for Treasury Department,	28 12	
	Graham Daves, private Secretary to Gov. Ellis, for furnishing Commissioners authorized to investigate the financial affairs of Atlantic & N. C. Railroad Company, with a certified copy of the mortgage executed by said Company to the State,	3 50	
	W. H. & R. S. Tucker, articles furnished the State,	30 84	
	Adams Express Company, freight on box from Washington City, and 2 packages from New York to Raleigh,	3 25	
	American Bank Note Company, New York, printing sundry Coupon Bonds for North Carolina,	135	
	Graham Daves, private Secretary to Gov. Ellis, for sealing 111 State Bonds,	11 10	

Public fund— disbursements.	1860. Mar.			
		Drury King, for payment of wages of free boy W. H. Dempsey, for services at Capitol from March 1st, to April 1st, 1860,	\$	15
		Parsons & Allen, for advertising State loan in New York News,		16 80
		Sundry telegraphic dispatches from Raleigh to New York,		12 34
	April.	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind, as part of appropriation to enlarge the buildings of said Institution, under act of Legislature 1858-'59,		1,600
		DeCarteret & Armstrong, for binding 114 vols. Jones' Supreme Court Reports, &c.,		131 65
		H. A. London, Treasurer of Cape Fear & Deep River Navigation Company, on account of said improvement,		3,200 74
		Ebenezer Enmons, Jr., Assistant Geologist, his 1st quarter's salary for 1860,		375
		Mat. B. Conklin, Assistant Geologist, his salary for year ending April, 1860,		600
		R. M. Pearson, Chief Justice Supreme Court, his 1st quarter's salary for 1860,		625
		M. E. Manly, Judge Supreme Court, his 1st quarter's salary for 1860,		625
		Robert Strange, Solicitor, for 5 certificates from 5th Circuit,		100
		R. M. Saunders, Judge Superior Courts, for 1 certificate from 3d circuit,		75
		W. E. Anderson, Treasurer Insane Asylum, N. C., on account of said Asylum,		5,000
		Bank of North Carolina, interest on temporary loans,		87 52
		Bank of North Carolina, interest on temporary loans,		120
		Geo. T. Cooke, Postmaster in Raleigh, for postage stamps, and rent of boxes in Post Office, &c., to April 1st, 1860, to State offices in Capitol,		30 26

1860. April.		\$	Public fund— disbursements.
	W. W. Vass, for one bond of Raleigh and Gaston Railroad Company, Bank of North Carolina, temporary loan,	1,000	
	R. H. Page, Secretary of State, his first quarter's salary for 1860,	75,000	
	O. H. Perry, State Librarian, payment for complete set of DeBow's Review, and freight on same,	200	
	Adams Express Company, freight on two packages from New York to Public Treasurer, Raleigh,	52 50	
	American Bank Note Company, New York, for printing sundry coupon bonds of the State of North Carolina,	2	
	Graham Daves, private Secretary to Governor Ellis, for sealing 220 State bonds,	175	
	One telegraphic dispatch from Raleigh to New York for Public Treasurer,	22	
	Bank of the Republic, New York, payment of interest on coupon bonds of North Carolina,	95	
	M. Bawcomb, interest on State coupon bonds,	73,560	
		60	
May.	S. H. Young, Treasurer of Asylum for Deaf and Dumb and the Blind, part of appropriation by Legislature of 1858-'59 for enlargement of buildings in said Institution,	2,069	
	Board of Internal Improvements, expenses of meeting of said Board in Raleigh, May 12th, 1860,	41	
	C. H. Brogden, Comptroller, his 2nd and 4th quarter's salary for 1859, and 1st quarter's salary for 1860,	750	
	Henry A. London, Treasurer of Cape Fear and Deep River Navigation Company, on account of said Improvement,	2,572 82	
	Ebenezer Emmons, State Geologist, his 1st quarter's salary, &c., for 1860,	659 64	
	Henry Mahler, for plating two dozen forks for Executive Mansion,	8	

Public fund—
disbursements.

1860.		
May.	B. F. Benton, for work done at Executive Mansion,	\$ 48
	R. M. Saunders, Judge Superior Courts, for 9 certificates from 3d circuit,	900
	H. C. Jones, Reporter to the Supreme Court, his 1st half year's salary for 1860,	300
	William A. Jenkins, Attorney General, for 6 certificates from 3d circuit, Spring, 1860,	120
	John M. Dick, Judge Superior Courts, for 10 certificates from 1st circuit, Spring, 1860,	975
	Jesse G. Shepherd, Judge Superior Courts, for 14 certificates from 5th circuit, Spring, 1860,	1,155
	Robert Strange, Solicitor, for 4 certificates from 5th circuit,	80
	Marcus Erwin, Solicitor, for 2 certificates from 7th circuit,	40
	J. W. Osborne, Judge Superior Courts, for 12 certificates from 6th circuit,	975
	Thomas Settle, Solicitor, for 12 certificates from 4th circuit,	240
	Paid into Sinking Fund of N. C., interest on State coupon bonds, owned by said Fund,	4,965
	Bank of the Republic, New York, interest on State coupon bonds,	6,150
	J. C. Newland, Treasurer McDowell and Yancey Turnpike Company, on account of said Road,	700
	Geo. T. Cooke, Postmaster in Raleigh, for rent of box in Postoffice for Public Treasurer, and postage on New York Journal of Commerce for quarter ending July 1, 1860,	89
	W. L. Pomeroy, for books, &c., furnished State Library and Supreme Court,	63 50
	J. J. Chaplin, binding done for State Library,	54 60
	R. F. Simonton, Treasurer of Western N. C. Railroad Company, 100 State coupon bonds, of \$1000 each, dated	

1860.			Public fund— disbursements.
May.	1st April, 1860, and running 30 years, issued on account of said road,	\$100,000	
	Accrued interest to May 19th, 1860,	800	
	R. C. Pearson, President Western N.		
	C. Railroad, expenses for the survey and location of said road,	4,000	
	W. H. Dempsey, for services at Capitol, from 1st April to 1st May, 1860,	15	
	G. W. Alley, operator Magnetic Telegraph, in Raleigh, one dispatch to New York, for Public Treasurer,	95	
	Charles H. Ehuman, Agent in Raleigh, for Adams Express Company, freight on boxes from New York,	2	
	W. L. Pomeroy, for stationery furnished the State,	167 47	
	Henry Mahler, for seals and presses, &c., for Franklin and Nash counties,	52	
	W. L. Pomeroy, for seals and fixtures for Sampson county Court, and for the Court of Equity in Franklin county,	27 25	
	W. H. Dempsey, for services at Capitol, from 1st May to 1st June, 1860,	15	
June.	W. H. Hamilton, for keeping Capitol Square in order 6 months, ending June 30, 1860,	150	
	H. A. London, Treasurer of Cape Fear and Deep River Navigation Company, expenses on account of said improvement, for May, 1860,	2,738 20	
	John W. Ellis, Governor of North Carolina, his second quarter's salary for 1860,	750	
	Graham Daves, private Secretary to Gov. Ellis, his second quarter's salary, for 1860,	75	
	W. H. Smith, Sheriff of Person county, for services and expenses as messenger to Governor of Virginia to demand Spencer and Frand Ford,		

Public fund— disbursements,	1860. June.		27	
		fugitives from justice in said county,		77 55.
		William Lander, Solicitor, for 15 certificates from 6th circuit,		300
		Marcus Erwin, Solicitor, for nine certificates from 7th circuit,		180
		J. W. Osborne, Judge Superior Courts, for three certificates from 6th circuit,		270
		J. L. Bailey, Judge Superior Courts, for 6 certificates from 6th circuit, Spring, 1859, and 11 certificates, from 4th circuit, Spring, 1860,		1,410
		E. C. Hines, Solicitor, for 10 certificates from 1st circuit,		200
		Geo. Howard, Judge Superior Courts, for 11 certificates from 2nd circuit,		975
		J. J. Bruner, for printing and covering No. 1, vol. 7, Jones' Law, and No. 1, vol. 5, Jones' Equity Reports,		791
		W. J. Houston, Solicitor, for 10 certificates from 2nd circuit,		200
		Bank of North Carolina, interest on temporary loan,		93 36
		Bank of the Republic, New York, for interest on State coupon bonds,		2,715
		John W. Syme for advertising sales of North Carolina bonds in Raleigh Register,		49
		Bank of North Carolina, premium for \$112,000 check on New York,		840
		Geo. T. Cooke, Postmaster, Raleigh, postage stamps for State offices in Capitol,		90 26
		Moses A. Smith, Postmaster in Salisbury, postage on Supreme Court Reports, sent to Clerks and Judges,		17
		O. H. Perry, State Librarian, his 2nd quarter's salary for 1860,		112 50
		Bank of North Carolina, temporary loan,		80,000
		R. H. Page, Secretary of State, his 2nd quarter's salary for 1860,		200
		D. W. Courts, Public Treasurer, his 2nd quarter's salary for 1860,		500
		Adams Express, freight on packages from New York to Public Treasurer,		2 50

1860.			Public fund— disbursements.
June.	Graham Daves, private Secretary to Governor Ellis, for sealing 696 State Bonds,	\$ 69 60	
	American Bank Note Company, New York, for printing coupon bonds of North Carolina,	357 50	
	Sundry telegraphic dispatches from Raleigh to New York for Public Treasurer,	16 49	
	Edward Newlin, for advertising proposals for North Carolina bonds, in New York Journal of Commerce,	8 50	
July.	R. C. Cotton, his salary from June 30th, 1859, to Feb. 4th, 1860, as Adjutant General of North Carolina,	266 66	
	C. H. Brogden, Comptroller, his 2nd quarter's salary for 1860,	250	
	Henry A. London, Treasurer of Cape Fear and Deep River Navigation Company, sundry Bills allowed for June, 1860, by Board of Managers of said works,	3,497 30	
	John A. Avirett, expenses of Council of State, meeting in Raleigh, July 20th, 1860,	180 10	
	W. J. Yates, for publishing in Western Democrat, proclamation of Gov. Ellis, for arrest of Tolliver Smith, a fugitive from justice in Mecklenburg county,	4	
	R. M. Pearson, Chief Justice Supreme Court, his 2nd quarter's salary for 1860,	625	
	M. E. Manly, Judge Supreme Court, his 2nd quarter's salary for 1860,	625	
	W. H. Battle, Judge Supreme Court, his 2nd quarter's salary for 1860,	625	
	R. R. Heath, Judge Superior Courts, for 7 certificates from 7th circuit,	595	
	J. W. Osborne, Judge Superior Courts, for 1 certificate (special term) from Davidson county,	90	
	Wm. A. Jenkins, Attorney General, for attending Supreme Court in Raleigh, June Term, 1860, in discharge of his official duties,	100	

Public fund—
disbursements.

1860. July.	E. B. Freeman, Clerk Supreme Court in Raleigh, as follows: His half year's salary ending June 30th 1860,	\$ 150
	For recording 2,403 pages at 30 cents per page,	720 90
	For 6 Record books, bought of J. J. Chaplin,	60
	For 36 Dockets, bought of J. B. Ege,	18
	James Litchford, Marshal to Supreme Court in Raleigh, for 45 days service, June Term, 1860,	90
	W. E. Anderson, Treasurer Insane Asylum of North Carolina, on account of said Asylum,	5,000
	Bank of Cape Fear at Raleigh, interest on temporary loans,	2,501 67
	Bank of the Republic, New York, for interest on coupon bonds of North Carolina,	124,626
	Sinking Fund of North Carolina, interest on State coupon bonds held by said Fund,	5,895
	Sundry persons, interest on bonds of the State of N. C., due 1st Monday in July, 1860,	4,132 66
	Sundry persons, interest on bonds of Fayetteville & Western Plankroad Company, due 1st Monday in July, 1860,	6
		3,045
	C. Dewey, interest on bonds of Raleigh & Gaston Railroad Company, due 1st Monday in July, 1860,	75
	Bank of the Republic, New York, for interest on coupon bonds of Cape Fear and Deep River Navigation Company,	1,665
	John W. Syme, for publishing Comptroller's Report for 1859, in Raleigh Register,	225
	Holden & Wilson, printing for the several Departments in Capitol,	96 57
	Martha Spears, a pension for 1860,	100
	Martha Gardner, " " "	40
	John W. Leak, premium for exchange on New York,	24 63

1860. July.	Bank of N. Carolina, temporary loan, Bank of Cape Fear at Raleigh, temporary loan,	\$ 25,000 16,000	Public fund— disbursements.
	Jonas Cline, for settling State taxes, due from Catawba County for 1859,	26	
	Drury King, Superintendent of Capitol, his 2d quarter's salary for 1860,	65	
	James F. Taylor, for 1 State Bond of \$500, dated 2d day of April 1849, and running ten years,	500	
	W. R. Richardson, Clerk of Treasury Department, his 2nd quarter's salary for 1860,	187	
	H. W. Guion, President Wilmington, Charlotte and Rutherford Railroad Company, 200 State Coupon Bonds of \$1000 each, dated July 1st, 1860, and running thirty years, issued on account of said road.	200,000	
	W. H. Dempsey, for services about Capitol, June and July, 1860,	30	
	Adams Express Co., freight on 3 packages from N. York to Raleigh.	250	
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 288 State Bonds,	28	
	Sundry Telegraphic dispatches to New York, for Public Treasurer,	5	
Aug.	Wayne County Agricultural Society, State's quota for 1860,	50	
	S. H. Young, Treasurer N. C. Institution for the Deaf and Dumb and the Blind, part of appropriation by Legislature of 1858-'59, to enlarge and improve the buildings of said Asylum,	1,000	
	N. M. Long, member of Board of Internal Improvements, and Graham Daves, Secretary, for meeting of said Board in Raleigh, Aug. 7, 1860,	15	
	H. A. London, Treasurer of Cape Fear and Deep River Navigation Company, part expenses for July, 1860, on account of said Improvement,	1,987	
		82	

Public fund— disbursements.	1860. Aug.	E. Morris, Chief Engineer of above Improvement, 2nd quarter's salary for 1860,	\$ 1,000
		F. I. Wilson, for printing 6000 copies of the Report of Ebenezer Emmons, State Geologist,	629 95
		The following Sheriffs for making re- turns of election held for Governor, in Aug. 1860 :	
		J. L. Bundy, Sh'ff Cabarrus County,	10
		J. W. Steed, " Randolph "	10
		Joseph Lusk, " Gaston "	15
		P. F. Pescud, articles for Executive Mansion,	9 90
		William A. Jenkins, Attorney Gen- eral, for attending Supreme Court at Morganton, August term, 1860, in discharge of his official du- ties,	100
		J. R. Dodge, Clerk of Supreme Court at Morganton, his half year's sala- ry, ending Aug., 1860,	150
		For recording 1242 pages at 30 cents,	372 60
		Bank of Cape Fear at Raleigh, inter- est on temporary loans,	780
		Bank of the Republic, New York, for interest on Coupon Bonds of North Carolina,	10,323
		B. S. Harrison, interest on State Cou- pon Bonds,	42
		R. N. & D. C. Herndon, interest on State Registered Bond,	39 16
		C. H. Lawson, interest on State Reg- istered Bonds,	105
		Bank of the Republic, New York, for interest on Coupon Bonds of Cape Fear and Deep River Navigation Company,	375
		Sundry persons, interest on Bonds of Fayetteville and Western Plank- road Company,	345
		R. C. Pearson, President of Western North-Carolina Railroad Company, 50 State Coupon Bonds of \$1000	

1860. Aug.	each, dated July 1, 1860, and running 30 years, issued on account of said road,	\$ 50,000	Public fund— disbursements.
	Accrued interest to Aug. 10th, 1860,	333 33	
	J. G. Williams & Co., premium for check on New York,	22 50	
	Geo. T. Cooke, Postmaster in Raleigh, postage stamps for Secretary of State,	30	
	The following Sheriffs for settling State taxes in August, 1860 :		
	J. L. Bundy, Sheriff of Cabarrus co.,	23	
	J. W. Steed, " Randolph "	19	
	Joseph Lusk, " Gaston "	29 52	
	The above named Sheriffs, on account of Senatorial Election in August, 1860,	15	
	R. N. & D. C Herndon, for one State bond, due Aug. 25th, 1860,	1,000	
	Graham Daves, Private Secretary to Gov. Ellis, for sealing 29 State bonds,	2 90	
	Adams Express, freight on 3 packages from New York to Raleigh,	2 50	
	J. W. Syme, for advertising North Carolina bonds, in Raleigh Register,	10	
Sept.	Gates county Agricultural Society, State's quota for 1860,	50	
	S. H. Young, Treasurer North Carolina Institution for the Deaf and Dumb and the Blind, balance of appropriation by Legislature of 1858-'9, to enlarge and improve the buildings of said Asylum,	1,911 50	
	H. A. London, Treasurer of Cape Fear and Deep River Navigation Company, expenses for August, 1860, on account of said Improvement,	2,249 67	
	John Spelman, for publishing in Salisbury Banner, the proclamation of Gov. Ellis, for arrest of Nicholas, a fugitive from justice from Wilkes county,	3 50	
	J. L. Ward, Sheriff of Polk county,		

Public fund—
disbursements

1860.

Sept.

for arrest of Tolliver Smith, a fugitive from justice, under proclamation of Gov. Ellis,	\$ 200
Ebenezer Emmons, State Geologist, his 2d and 3rd quarter's salary for 1860,	1,250
Ebenezer Emmons, Jr., Assistant State Geologist, his second quarter's salary for 1860,	375
J. J. Chaplin, for binding Emmons' Report,	164
Sundry Sheriffs, for making returns of the election for Governor, in August, 1860,	1,222 50
Briggs & Dodd, for repairing fence at Executive Mansion,	1 50
John W. Ellis, Governor of North Carolina, his 3rd quarter's salary for 1860,	750
Graham Daves, Private Secretary to Gov. Ellis, his 3rd quarter's salary for 1860,	75
Thomas Settle, Solicitor, for one certificate from 4th circuit,	20
Robert Strange, Solicitor, for 5 certificates from 5th circuit,	100
J. W. Osborne, Judge Superior Courts, for two certificates from 7th circuit,	180
Joseph Britain, Sheriff of Burke county, for 16 days services as Marshal to Supreme Court at Morganton, August Term, 1860,	32
Marcus Erwin, Solicitor, for four certificates from 7th circuit,	80
R. R. Heath, Judge Superior Courts, for eight certificates from 7th circuit,	640
R. M. Pearson, Chief Justice Supreme Court, his 3rd quarter's salary for 1860,	625
Bank of Cape Fear, at Raleigh, interest on sundry temporary loans to meet liabilities of the State,	2,463 01
Bank of the Republic, New York, for interest on coupon bonds of North Carolina,	9,624

1860. Sept.			Public fund— disbursements.
	Sundry persons, interest on State coupon bonds,	\$ 180	
	Fayetteville and Western Railroad Company, interest on State coupon bonds,	1,170	
	Sundry persons, interest on State registered bonds,	10,620	60
	Transferred to Literary Fund in payment of interest on bonds issued by the State of North Carolina, on account of Fayetteville & Western Plankroad, and held by Literary Fund,	1,080	
	Bank of the Republic, New York, for interest on coupon bonds of Cape Fear and Deep River Navigation Company,	4,905	
	Fayetteville and Western Railroad Company, interest on coupon bonds of Cape Fear and Deep River Navigation Company,	1,845	
	Sundry persons, premium for checks on New York to pay interest on N. C. bonds,	1,001	88
	D. G. McRae, his salary as keeper of State Arsenal at Fayetteville, for year ending Oct. 1st, 1860,	60	
	Postage expenses of said Arsenal,		45
	Transferred to Literary Fund in payment for bonds of Raleigh & Gaston Railroad Company, held by Literary Fund,	140,000	
	Briggs & Dodd, iron railings for porticos of Capitol, and putting up same,	326	55
	Briggs & Dodd, freight on pipes for water closets in Capitol,	24	43
	O. H. Perry, State Librarian, for books purchased by him for State Library,	1,230	13
	For expenses of Librarian to N. York,	100	
	O. H. Perry, his 3rd quarter's salary for 1860,	112	50
	Other expenses on account of State Library,	24	97

Public fund—
disbursements.1860.
Sept.

Bank of Cape Fear, at Raleigh, and Bank of North Carolina, sundry temporary loans to meet liabilities of the State,	\$251,000
Sundry Sheriffs, for settling State taxes in Sept., 1860, as follows :	
L. H. Lawrence, Sh'ff Lincoln Co.,	27
W. F. Wasson, " Iredell "	24 06
W. H. Cullom, " Johnston "	6 32
James Roberts, " Rockingham "	17
A. B. Long, " Rutherford "	37
J. M. Neal, " McDowell "	34 74
William Flynt, " Forsyth "	19
J. H. Nethercutt, " Jones "	26 06
P. F. White, " Chowan "	32 60
Wm. Haymore, " Surry "	23
Tully Davenport, " Tyrrel "	40 32
G. B. Threadgill, " Anson "	31 40
Joseph Marshall, " Stanly "	27 40
John Martin, " Stokes "	20 32
William Green, " Haywood "	49 66
J. C. Smith, " Alexander "	26 74
R. G. Tuttle, " Caldwell "	29 66
Christian Strader, " Caswell "	14 32
E. D. Hampton, " Davidson "	17 66
T. J. Carr, " Duplin "	13 66
E. C. Grier, " Mecklenb'rg "	25 66
G. M. Green, " Cleaveland "	32 32
M. H. Eure, " Gates "	27
Goodman Durden, " Washington "	33 66
Reuben King, " Robeson "	14 73
J. H. Allen, " Brunswick "	14 06
C. A. Boon, " Guilford "	14 32
Joseph Brittain, " Burke "	31
Hiram Hunter, " Madison "	44 32
W. H. Smith, " Person "	11 54
N. W. Cooper, " Nash "	21 66
R. B. Paschal, " Chatham "	10 32
W. A. Walton, " Rowan "	24 33
S. A. Warren, " Northampt'n "	19
Sidney Deal, " Watauga "	35 66
A. H. Sanders, " Montgomery "	18 06
Charles Byrd, " Yancey "	37 13
R. M. Jones, " Orange "	7 66
W. D. Humphrey, " Onslow "	17 66

1860.	J. B. Lee, Sheriff	Currituck co.,	\$	32 32	
Sept.	C. Austin,	" Union	"	29 53	
	J. R. Grady,	" Harnett	"	6 73	Public fund— disbursements.
	W. W. Long,	" Yadkin	"	23	
	W. E. Mann,	" Pasquotank	"	31 27	
	W. R. Young,	" Buncombe	"	43	
	J. A. Reeves,	" Ashe	"	29 66	
	B. Fitzrandolph,	" Bladen	"	27	
	J. L. Ward,	" Polk	"	43	
	J. A. Vann,	" Hertford	"	23 66	
	J. J. Bennett,	" Richmond	"	16 33	
	A. W. Bell,	" Camden	"	34 32	
	J. M. Hilliard,	" Davie	"	23 27	
	Isaac Arledge,	" Henderson	"	43	
	J. T. Barnes,	" Wilson	"	12 86	
	Hilliard Gibbs,	" Hyde	"	36 33	
	W. B. Campbell,	" Beaufort	"	19	
	W. H. High,	" Wake	"	3	
	Wm. Patterson,	" Alamance	"	11	
	William Fields,	" Lenoir	"	13 66	
	Hector McNeill,	" Cumberland	"	11	
	R. R. Tayloe,	" Bertie	"	28 33	
	G. W. Crumpler,	" Sampson	"	11 67	
	K. H. Worthy,	" Moore	"	11	
	Esly Staly,	" Wilkes	"	29 03	
	E. D. Hall,	" New Hanover	"	20 87	
	Lewis Williamson,	" Columbus	"	28 47	
	Josiah Hodges,	" Pitt	"	21 66	
	J. F. Jenkins,	" Edgecombe	"	16 60	
	Wash. Harris,	" Franklin	"	7 13	
	A. C. Latham,	" Craven	"	19	
	Geo. Dill,	" Carteret	"	25	
	J. R. White,	" Perquimans	"	33 80	
	Jesse Bledsoe,	" Alleghany	"	29 66	
	J. H. Gooch,	" Granville	"	9	
	N. R. Jones,	" Warren	"	11 13	
	E. D. Davis,	" Jackson	"	45 67	
	J. S. Snow,	" Halifax	"	16 32	
	W. A. Thompson,	" Wayne	"	6 33	
	Sundry Sheriffs for making returns of the Senatorial elections in Aug., 1860			289 34	
	D. W. Courts, Public Treasurer, his 3rd quarter's salary for 1860,			500	
	W. R. Richardson, Clerk of Treasury Department, his 3rd quarter's salary for 1860,			187 50	

Public fund— disbursements.	1860.		
	Sept.	Dancy, Hyman & Co., New York, candles for use of the State,	\$ 377 19
		W. H. Dempsey, for services about Capitol, August, 1860,	15
		Drury King, for expenses about capitol,	6 50
		Adams Express, freight on package from New York to Raleigh,	75
		Vernon Brothers, New York, station- ery for use of the State,	676 51
		Telegraphic dispatches from Raleigh to New York, for Public Treasurer,	4 30
			\$ 2,676,923 66

Sinking fund—
receipts.

SINKING FUND.—(Receipts.)

STATEMENT E.

Exhibiting the sources from which the Receipts of the Sinking Fund have been derived.

		Interest on State Coupon Bonds held by Sinking Fund, Railroad dividends, appropriated to Sinking Fund,	
		Detailed as follows :	
1859.			
Oct.		Received as interest on State Coupon bonds, held by Sinking Fund,	\$ 2,850
		Received from the Public Fund, as surplus revenue from said Fund,	100,000
Nov.		Received from North Carolina Rail- road Company, as dividend on stock in said Road,	40,000
Dec.		Received from Raleigh and Gaston Railroad Company as dividend on stock in said Road,	29,250
1860.			
Jan.		Received as interest on State Coupon Bonds held by Sinking Fund,	4,080
April.		Received from North Carolina Rail- road Company, as dividend on stock in said Road,	30,000
May.		Received as interest on State Coupon Bonds held by Sinking Fund,	4,965

1860.			
July.	Received from Raleigh and Gaston Railroad Company, as dividend on stock in said Road,	19,500	Sinking fund— receipts.
	Received as interest on State Coupon bonds held by Sinking Fund,	5,895	
Sept.	Received from North Carolina Railroad Company, as dividend on stock in said Road.	90,000	
		\$ 326,540	

SINKING FUND.—(*Disbursements.*)Sinking fund—
disbursements.

STATEMENT F.

Showing the Disbursements of the Sinking Fund.

Detailed as follows:

1859.		
Oct.	Paid for 206 State Coupon Bonds of \$500 each, dated July 1st, 1859, and running 30 years,	\$ 103,000
1860.		
Jan.	Transferred to Public Fund in payment for 147 State Coupon Bonds of \$500 each, dated October 1st, 1859, and running 30 years,	73,500
May.	Transferred to Public Fund, in payment for 70 State Coupon Bonds of \$500 each, dated January 1st, 1860, and running 30 years,	35,000
Sept.	Transferred to Public Fund, in payment for State Coupon Bonds, dated January 1st, 1860, and running 30 years,	25,600
	Transferred to Public Fund, in payment for 30 State Coupon Bonds of \$1,000 each, dated July 1st, 1860, and running 30 years,	30,000
	Transferred to Public Fund, in payment for 60 State Coupon Bonds of \$1,000 each, dated July 1st, 1860, and running 30 years,	60,000
		\$ 327,100



INDICES
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PUBLIC LAWS:
Session, 1860-'61,
AND
FIRST EXTRA SESSION,
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PRIVATE LAWS
OF THE
STATE OF NORTH-CAROLINA,
PASSED BY THE
GENERAL ASSEMBLY
AT ITS
SESSION OF 1860-'61.

RALEIGH:
JOHN SPELMAN, PRINTER TO THE STATE.
1861.



PRIVATE LAWS
OF
NORTH-CAROLINA.

1860-'61.

ACADEMIES.

AN ACT TO INCORPORATE BELLEVUE ACADEMY, IN THE COUNTY *Chap. 52.*
OF BEAUFORT.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Trustees incor-}
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Thomas Crawford, Benjamin Patrick,
Benj. F. Tupp, Henry Harding and B. F. Harding, and their
successors, be constituted a body politic and corporate, in the
county of Beaufort, as an institution of learning, by the name
and style of the "Bellevue Academy," and that they be in-
vested with all the privileges and rights, and be subject to the
rules, regulations and restrictions in the twenty-sixth chapter
of the Revised Code, entitled "Corporations," so far as they
are applicable to corporations of this nature.

SEC. 2. *Be it further enacted,* That said company shall have ^{Powers.}
power to hold personal and real estate to an amount not
exceeding three thousand dollars, and to open books for
subscription.

SEC. 3. *Be it further enacted,* That this act shall be in force
from and after its ratification. [*Ratified the 20th day of*
February, 1861.]

Chap. 53. AN ACT FOR THE PROTECTION OF THE HAYWOOD MALE AND FEMALE ACADEMIES.

Sale of liquors prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That no person shall erect, keep, maintain, or have at the Haywood Male and Female Academies, or within two miles thereto, any tipping house, establishment or place for the sale of wines, cordials, spirituous or malt liquors.

Provision as to students.

SEC. 2. *Be it further enacted,* That no person shall sell, or offer to sell or deliver to any student of said institutions, or to any other person or persons whatsoever, any wines, cordials, spirituous or malt liquors, for the purpose of being used at said institutions, or within two miles thereof, unless prescribed by a physician, or for mechanical purposes.

Licenses void.

SEC. 3. *Be it further enacted,* That any license that may hereafter be granted to retail spirituous liquors, wines, cordials or malt liquors at the aforesaid institutions, or within two miles thereof, shall be utterly void.

Penalties.

SEC. 4. *Be it further enacted,* That if any white person or free person of color, shall offend against any of the before-mentioned provisions of this act, he or she shall be deemed guilty of a misdemeanor, and upon conviction or submission, either before the courts of pleas and quarter sessions, or the superior courts of law for the county of Chatham (or any other county of this State), shall, if a white person, be fined at the discretion of the court, and if a free person of color, shall be fined at the discretion of the court, and receive not exceeding thirty-nine lashes on his or her bare back; and if any slave shall offend as before stated, and be convicted before any justice of peace of the county of Chatham, he or she shall receive not exceeding thirty-nine lashes on his or her bare back, and that the master or owner of such slave shall pay all cost expended or incurred in the case; *Provided always,* That the master or owner shall have the right to appeal to the county or superior court of the county of Chatham.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 10th day of February, 1861.*]

AN ACT TO INCORPORATE THE HILLSBORO' MILITARY ACADEMY, *Chap. 54.*

SECTION 1. *Be it enacted by the General Assembly of the* ^{Trustees incor-}
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Charles C. Tew, and those who may
 be associated with him, be incorporated into a company, under
 the name and style of the *Hillsboro' Military Academy*, for
 the purpose of establishing a military and scientific educational
 institution of a high grade near the town of Hillsboro', Orange
 county.

SEC. 2. *Be it further enacted,* That the said company be ^{Powers.}
 empowered to hold property in real estate, not exceeding the
 value of sixty thousand (\$60,000) dollars, and that so much of
 such real estate as shall be occupied for purposes directly con-
 nected with the educational institution aforesaid, be exempt
 from taxation.

SEC. 3. *Be it further enacted,* That the academic body of ^{Degrees.}
 the said institution be empowered to confer degrees upon stu-
 dents completing the prescribed course of study as is now done
 by the faculties of other institutions of learning.

SEC. 4. *Be it further enacted,* That it shall be lawful for ^{Rank of super-}
 the governor to grant a commission to the superintendents of
 the said military institution: *Provided,* the rank thus con-
 ferred be no higher than that of *colonel*; that it shall be lawful
 for the governor to grant commissions to such other officer of
 the said military institution as may be recommended by the
 superintendent: *Provided,* The rank so conferred be no higher
 than that of captain.

SEC. 5. *Be it further enacted,* That officers commissioned ^{Rank of com-}
 as herein provided for, shall take rank according to date of
 commission, with officers in the line of the North Carolina
 State militia. [*Ratified the 20th day of February, 1861.*]

AN ACT TO INCORPORATE THE JEFFERSON ACADEMY, IN THE *Chap. 55.*
 COUNTY OF ASHE.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Trustees incor-}
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That James M. Gentry, E. C. Bartlet,

James Wagg, N. H. Waugh, David Smith, James W. Hardin and David Worth, and their successors, be and they are hereby constituted a body politic and corporate, to be known and designated by the name and style of "The Trustees of the Jefferson Academy," and by that name shall have succession and a common seal, and shall sue and be sued, plead and be impleaded in any court of law or equity in this State, and shall have direction and control of the property real and personal, belonging to said academy, or which may be held in trust by any person for the benefit of said academy, and shall be capable in law to hold lands, tenements and chattels sufficient for the purposes of said academy.

Powers.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to make such rules, regulations and orders concerning the management of the property, the employment of teachers, and all other things as may be necessary to the good government and success of said academy, and shall have all rights, powers and privileges of like corporations in this State, and no other.

Quorum.

SEC. 3. *Be it further enacted*, That a majority of said trustees shall constitute a quorum for the transaction of business.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 56. AN ACT TO INCORPORATE OAK HILL MILITARY ACADEMY, IN THE COUNTY OF GRANVILLE.

Trustees incorporated.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same*, That W. G. Thomas, M. T. Smith, B. P. Tharp, Richard Tharp and Peterson Tharp, and their successors be, and they are hereby incorporated and made a body politic, under the name and style of the Trustees of Oak Hill Military Academy," in the county of Granville, with the usual rights, powers, privileges and duties of such corporations.

Spiritu-
ous
liquors pro-
hibited.

SEC. 2. *Be it further enacted*, That it shall not be lawful for the county court of Granville to grant license to any person to retail spirituous liquors within one mile in any direction

from the said academy, and any license so granted shall be null and void, unless the trustees of said academy shall have first given to the applicants for such license a recommendation in writing to that effect.

SEC. 3. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO AMEND AN ACT PASSED BY THE GENERAL ASSEMBLY *Chap. 57.*
OF THE STATE OF NORTH CAROLINA, AT ITS SESSION OF 1848
AND '9, TO INCORPORATE PERQUIMONS MALE AND FEMALE
ACADEMY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Willis H. Bagley, Joseph G. Granbery, Joseph M. Cox, Dr. Caleb Winslow, Mathew O. Jordan, be, and they are hereby declared a body politic and corporate, to be known and distinguished by the name and style of "The Trustees of the Perquimons Male and Female Academy," and by that name shall have perpetual succession and a common seal, and shall be able and capable in law of holding lands, tenements and chattels sufficient for the use and purposes of said school, and of suing and being sued, and of pleading and being impleaded. Trustees incor-
porated

SEC. 2. *Be it further enacted*, That the said Willis H. Bagley, Joseph G. Granbery, Joseph M. Cox, Dr. Caleb Winslow, and M. O. Jordan, shall continue in office as trustees aforesaid, with full power to make such rules and regulations, not inconsistent with the constitution of the State of North Carolina, and of the United States, as may be necessary for the good government of said school, and the management of the property and funds belonging to the same, until their successors shall be elected, as herein after provided, and that they and their successors in office shall have full power to supply all vacancies in the board happening between the times of holding the election of trustees. Powers.

SEC. 3. *Be it further enacted*, That an election for five trustees to succeed the said W. H. Bagley, Joseph G. Gran- Trustees'
successors.

bery, J. H. Cox, Dr. Caleb Winslow and M. O. Jordan, shall be held on the first Thursday in March, A. D. 1804, or upon any day in said year upon which an election for commissioners for the town of Hertford may be held, and every three years thereafter, upon the day of said election for commissioners of said town of Hertford, and that the voters of the town of Hertford qualified to vote for commissioners of said town, shall be the qualified voters for electing said trustees, and that the persons receiving the greatest number of votes at such election, shall be the duly elected trustees of said academy under this act.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws inconsistent with this act be, and are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 58. AN ACT TO INCORPORATE THE TRUSTEES OF TALLY HO FEMALE ACADEMY, IN THE COUNTY OF GRANVILLE.

Trustees incor-
porated.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John L. Jones, Samuel D. Ferrill, John W. Booth, John Flemings and James A. Russel, their associates and successors, be, and they are hereby declared a body politic and corporate, to be known and designated by the name of the "Trustees of Tally Ho Female Academy," situated at Tally Ho, in the county of Granville, and by that name shall have perpetual succession, and shall hold, acquire, receive and hold such moneys, chattels and lands as may be necessary to accomplish the purposes of the institution.

Powers.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE THE RICHLAND INSTITUTE, IN THE *Chap. 59.*
COUNTY OF HAYWOOD.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Trustees incor-}
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Jacob Smith, Samuel Swayngim, P.
W. Edwards, Dillard E. Jones, James B. Fitzgerald, John W.
Killian, Robert H. Pendland, Thomas Furguson, W. G. B.
Garrett, W. A. Wilson, and A. C. Morrow, be, and they are
hereby declared to be a body politic and corporate, to be
known and designated by the name of the "Trustees of Rich-
land Institute, of Haywood county," and by that name shall
have succession and a common seal, and shall be invested with
power and authority to sue and be sued, plead and be im- ^{Powers.}
pleaded, in any court of law or equity in this State, and to
hold such lands and tenements, goods and chattels and moneys,
sufficient for all the purposes of said institute.

SEC. 2. *Be it further enacted,* That said corporation shall ^{Powers.}
have power to make all laws, rules and regulations that shall
be necessary for the good government of said institute and the
management of the property and finances of the same, not in-
consistent with the constitution of this State, or of the United
States; and also to fill vacancies among the trustees from time
time, occasioned by death, resignation, or other causes, and to
appoint such officers as they shall think proper.

SEC. 3. *Be it further enacted,* That said trustees shall have ^{Powers.}
power to appoint all teachers in said institute, to affix the rates
of tuition, and to do and perform all such acts as are incident
to and usually exercised by bodies politic, for the accomplish-
ment of the object contemplated.

SECTION 4. *Be it further enacted,* That it shall not be law- ^{Sales of spirit-}
ful for any person or persons to set up or continue any gaming ^{nous liquors}
or billiard tables, or any other game of chance or hazard, by ^{prohibited.}
whatever name called, or to sell any intoxicating liquors, to be
used as a beverage, within one mile of said institute, without
permission of the faculty or trustees; and any person or per-
sons who shall offend against the provisions of this act, shall
forfeit and pay the sum of fifty dollars, to be recovered in any
court of record having cognizance of the same, one-half to the
informer, and the other half to the use of said institute.

Quorum.

SEC. 5. *Be it further enacted*, That not less than five of the trustees shall constitute a quorum for the transaction of business connected with said institute.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

AGRICULTURE.

Chap. 60. AN ACT TO INCORPORATE THE UNION AGRICULTURAL, MECHANICAL AND COMMERCIAL SOCIETY AT NEWBERN.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Union Agricultural, Mechanical, and Commercial Society at Newbern, be, and the same is hereby incorporated into a body politic and corporate, and in that name may sue and be sued, have and exercise any and all the powers and rights of other corporations in this State; may pass all such by-laws, rules and regulations as they may regard as necessary for the purposes of this corporation; may take and hold real and personal estate, not exceeding fifty thousand dollars' worth of real estate; may acquire the same by deed, devise, or in any other mode, and may use the same only for the purposes hereinafter specified.

Officers.

SEC. 2. *Be it further enacted*, That the said society shall annually elect a president, and such other officers as the society may from time to time find necessary, all of whom shall hold their offices until successors are appointed.

Rules and by-laws.

SEC. 3. *Be it further enacted*, That the Union Agricultural, Mechanical and Commercial Society at Newbern, as heretofore organized by a voluntary association at Newbern, be, and the same is hereby incorporated, and the rules and by-laws adopted by said association, and the election of officers made by them, shall be and continue in force until the same are altered or superseded by the corporation hereby created, and that the Union Agricultural, Mechanical and Commercial Society at Newbern, herein incorporated, shall succeed to all the rights and privileges of said society. [*Ratified the 19th day of February, 1861.*]

AN ACT TO PROTECT THE FAIR GROUND OF THE UNION AGRICULTURAL, MECHANICAL, AND COMMERCIAL SOCIETY AT NEWBERN. *Chap. 61.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That if any person, maliciously or intentionally, deface, injure or destroy any house, stand, fence, or other fixtures belonging to "The Union Agricultural, Mechanical and Commercial Society," located on their fair ground near the town of Newbern, in the county of Craven, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof in the county or superior court, shall be fined not exceeding fifty dollars, or imprisoned not exceeding six months, at the discretion of the court. *Penalty.*

SEC. 2. *Be it further enacted,* That it shall not be lawful for white boys, unless accompanied by their parents or guardians, to visit or pass through the fair ground of said society, under the penalty of one dollar for each offence, to be collected by warrant out of the parent or guardian of boys so offending; and should any negro slave violate the provisions of this section, he or she, upon conviction before any justice of the peace of said county, shall receive not more than thirty-nine lashes on the bare back, at the discretion of the justices of the peace aforesaid: *Provided,* That the provisions of this section shall be inoperative and of no effect during and for the time any fair or other public exhibition may be held on said fair ground. [*Ratified the 23d day of February, 1861.*] *Trespass.*

BANKS.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO ESTABLISH THE BANK OF COMMERCE." *Chap. 62.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That sections 8th, 19th, 20th and 21st of an act of the General Assembly of the State of North Carolina, passed at the sessions 1858-'9, chapter 71, entitled "An *Repeal parts of act of 1858-'9.*

act to establish the Bank of Commerce," be, and the same are hereby repealed; and in lieu of said sections, the said act be amended as follows:

Closing books
for stock.

SEC. 2. *Be it further enacted*, That the directors of said bank shall have power to close the books for subscriptions, at such terms [times] as to them shall seem best, and shall have further power at such times and places, under the superintendence of such persons as to them shall seem best, to re-open said books for subscription to said capital stock, and to keep the same open until the whole [or] part of the said stock unsubscribed for shall be taken; and if a part only of said remaining stock be taken, they shall have further power from time to time, as aforesaid, to re-open said books, until the whole of the capital stock of six hundred thousand dollars shall be subscribed for; and if it shall so happen when said books shall at any time, as aforesaid, be re-opened for subscription, that a greater number of shares than is necessary to make up the deficiency of said stock shall have been subscribed for, it shall be lawful for said directors to reduce said subscriptions to a scale by them established for said purpose: *Provided*, That no subscription of ten shares or under shall be scaled until all larger subscriptions shall first be reduced to an equality with them.

Subscriptions
may be scaled.

Circulation.

SEC. 3. *Be it further enacted*, That the said bank shall at no time have in circulation more than twice the amount of its capital stock actually paid in, and that the rate of interest to be charged by said bank upon its loans and discounts, shall not be more than one-half of one per centum for thirty days, which interest may be received, and in advance, at the time of the said loans or discounts.

When act to
take effect.

SEC. 4. *Be it further enacted*, That this act shall take effect and be in force immediately after the stockholders of said bank in a general meeting agree thereto, and signify their assent by writing, duly authenticated, and deposited in the office of the secretary of State of this State.

Branches.

SEC. 5. *Be it further enacted*, That branches of said bank may be, in the discretion of the directors, established in the towns of Goldsboro' and Concord, in the counties of Wayne and Cabarrus, or at other points in the State of North Carolina: *Provided*, That not less than fifty thousand dollars shall be subscribed on the books at the places thus selected by the directors aforesaid.

SEC. 6. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State treasury at the rate of four per cent. per annum on the amount in circulation at and during the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State. Suspensions.

SEC. 7. *Be it further enacted*, That the provisions of this act shall extend to the Bank of North Carolina, and also the Bank of Lexington, and the Miners and Planters' Bank of Murphy, and that the charters of said banks be amended in the same particulars as are herein provided for the Bank of Commerce at Newbern, without reference to the numbers of the several sections in said charter: *Provided*, That the Bank of North Carolina, Bank of Lexington, and Miners and Planters' Bank of Murphy, shall have no further power respecting the establishment of agencies and branches than is conferred in their original charters. *[Ratified the 16th day of February, 1861.]* Provisions to extend to other banks.

AN ACT TO AMEND THE CHARTER OF THE FARMERS' BANK OF NORTH CAROLINA. Chap. 63.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the fourth section of the charter of the Farmers' Bank of North Carolina, passed at the session 1852, be so altered and amended as to make Greensboro', in the county of Guilford, the place at which the next and all future meetings of the stockholders in said bank shall be held from and after this date. Place of meeting of stockholders.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its acceptance by the stockholders in said bank, or a majority of them, at their meeting in Greensboro' aforesaid. *[Ratified the — day of February, 1861.]*

Chap. 64.

AN ACT TO INCORPORATE THE BANK OF ROXBORO'.

CAPITAL STOCK. SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That a bank shall be established in the town of Roxboro', the capital stock whereof shall not exceed two hundred thousand dollars, divided into shares of fifty dollars each, and that, for the purpose of receiving subscription for said stock, books shall be opened on the first Monday in March, A. D. 1861, and remain open for sixty days, at Roxboro', under the superintendence of Edwin G. Reade, Green D. Satterfield, Chesley Hamlen, William H. Smith, John H. Jones, George W. Norwood and John H. Hurt, and at such other places, under the superintendence of such persons, as said commissioners at Roxboro' may direct.

PAYMENTS. SEC. 2. *Be it further enacted,* That one-tenth of such shares shall be paid in gold and silver to the commissioners above-named at the time of subscribing; that another tenth shall be paid within ninety days; that another tenth shall be paid within one hundred and twenty days, and that the remainder shall be paid as the president and directors, hereafter provided to be elected, may direct; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay the interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficit instalment, and he shall be held responsible for the same, at the option of the bank, and the balance, if any, to be paid over to the subscriber.

INCORPORATED. SEC. 3. *Be it further enacted,* That when one thousand shares are subscribed, and the sum of twenty-five thousand dollars actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic, in law and in fact, by the name and style of "The Bank of Roxboro'," and shall so continue until the first day of January, 1891; and by the name and style aforesaid, they shall be and are hereby made able and capable in law to have, purchase, receive, possess and enjoy and retain, to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same

POWERS.

to grant, alien and dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws or ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for making whereof general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

SEC. 4. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given, a meeting of the subscribers shall be called, to be held at least thirty days after the date of the notice; if at this meeting they or their agents who have a majority of votes according to the rates hereinafter described be present—if not, another meeting shall be called—they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; said directors shall remain in office until the first Monday in March, 1862, or until their successors shall be appointed; and on the first Monday in March in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Roxboro', for the purpose of electing directors, enquiring into the affairs of the institution, and making such other regulations as may be deemed fit and necessary.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation. A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of a majority of the votes which may be present; every stockholder holding one share and not more

When to go
into operation.

Rules, &c.

Vote of stock-
holders.

than two shares, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding one hundred, one vote; and for every four shares above one hundred, one vote; after the first meeting, no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of voting; stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stockholder; no president, cashier, director, agent or clerk of the bank shall be permitted to vote as proxy for another; none but a stockholder, who is a citizen of the State, shall be eligible as a director; the directors, when appointed, shall choose one of their number, which shall always be seven, to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place; a number of stockholders, not less than ten, who, together, shall be the owners of two thousand shares and upward, shall have power at any time to call a general meeting of the stockholders, for the purposes relating to the institution, giving at least twenty days' notice, in the town of Roxboro', and specifying the object or objects of such meeting; the directors shall annually elect [such] officers as may be deemed necessary to perform the business of the bank, and may renew [remove] them, or either of them, at pleasure. These officers shall be required to give bond, with two or more sureties, in sums not less than ten thousand dollars, with condition for good behavior and faithful performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the ayes and nays on any question, when asked for by a director; this book shall be evidence in courts of justice. On entering on discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the

President.

General meet-
ing.

Officers—their
duties, &c.

clerk of the county court of Person, viz: "I, A. B., do solemnly swear or affirm (as the case may be), to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the Bank of Roxboro', in a book to be kept by me for that purpose." The said corporation shall purchase and hold such lands, tenements, rents and hereditaments as shall be required for the transaction of its business, or shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealing, or purchased at sale upon judgment, which shall have been obtained upon such debts; the said corporation shall neither, directly nor indirectly, trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, mint certificates, and the public debts of the State: *Provided*, The investments in such stock shall not exceed one-half the capital stock of the bank; neither shall said corporation take more than the rate of six per cent. per annum for or upon its loans or discounted [discounts], which interest may be taken in advance at the time of discount; the total amount of debts which said corporation shall at one time owe shall not exceed twice the amount of stock actually paid in. If a vacancy in the directory shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancy, until the succeeding annual meeting of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the by-laws and ordinances of the same. The officers at the head of the treasury department of the State shall be furnished, once in six months, with a statement of the amount of the capital stock of said corporation and debts due the same, and the money deposited therein, of the notes in circulation and of the cash in hand, and shall have the right to inspect such general accounts in the books of the bank as shall relate to statements: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank, except the directors. The bills obligatory and of credit under seal of said corporation, which shall be made to any person or persons, shall be assign-

Oath of cashier.

Powers of corporation.

Proviso.

Stock transferable.

Condition of bond.

Proviso.

Bills assignable.

able by endorsements thereon, under the hand or hands of such person or persons and of his or her assignee or assignees, and so as absolutely to transfer and vest the property therein, and each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names; and bills or notes which may be issued by order of such corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in like manner and with the like force and effect as upon any private person or persons; that is to say, those which shall be payable to any persons, his, her or their order, shall be assignable, by endorsement, in like manner and the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable by delivery only.

Payment of
notes refused.

SEC. 6. *Be it further enacted*, That [if] any person or persons holding a note or notes of said bank, shall present the same for payment, and if payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holders of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the stock paid in: *Provided*, The bank be unable to pay the amount.

Remedy.

Insolvency.

SEC. 7. *Be it further enacted*, That in case of insolvency of the bank hereby created, or ultimate inability on the part of the corporation to pay, the individual stockholders shall be liable to creditors in the sum double the amount of stock by them respectively held in said corporation.

Books when
closed.

SEC. 8. *Be it further enacted*, That the directors shall be required to keep open the subscription books until the whole of the stock is taken.

Embezzlement,
&c.

SEC. 9. *Be it further enacted*, That if any director, or any other officer, agent or servant of said corporation, shall embezzle any of the funds belonging to said bank, with intent to

defraud said corporation or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of a felony, and upon conviction thereof, by due course of law, shall be punished by fine, at the discretion of the court, and imprisonment not exceeding five years.

SEC. 10. *Be it further enacted*, That the president or Tax on stock. cashier of said bank shall annually pay into the treasury of the State fifteen cents on each share of said capital stock which has been subscribed for and paid in; and the first payment of said tax shall be made twelve months after said stock shall have been subscribed and paid, and the General Assembly reserves to itself the powers, whenever it shall be deemed necessary, to increase said tax to a sum not exceeding fifty cents on each share of said capital stock: *Provided*, Proviso. That the tax in this case shall not be greater than imposed on shares in such other banks as may be chartered at this or some other succeeding session of the General Assembly: *And provided further*, That this or any other General Assembly shall have power to tax the dividends belonging to individuals and incorporations; said tax shall not exceed the tax on the interest of money loaned.

SEC. 11. *Be it further enacted*, That the directors of said Dividends. bank may declare, semi-annually, dividends of profits thereof; and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible, in their private capacities, to the creditors who have claims against said institution.

SEC. 12. *Be it further enacted*, That the president of this Condition of the bank. bank shall, on the first day of March and September in each and every year, transmit to the public treasurer a full statement of the condition of the bank, exhibiting the amount of the capital stock, notes in circulation, debts due to other banks and what banks, deposits, and all other particulars necessary to explain the debit side of the account; also, specie on hand, notes of other banks and what banks, bills of exchange, debts or bonds, and notes discounted; specifying, in one item, the amount due from stockholders, and, in another, the amount due from directors, (not however using any person's name in either case,) and real estate, and publish the same in two newspapers, one of which shall be in Raleigh.

False returns.

SEC. 13. *Be it further enacted*, That if any president, cashier, clerk or other officer of the aforesaid bank, shall knowingly, wilfully, and with intent to deceive, make or cause to be made, or connive at making, any false returns, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the General Assembly, or to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature or by the stockholders to receive the same, such president, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for misdemeanor in the superior court, and, upon conviction, shall be fined at the discretion of the court, or imprisoned not exceeding one year.

Penalty.

Stock to be scaled.

SEC. 14. *Be it further enacted*, That if it shall happen, when books shall be opened as aforesaid, that a greater sum than two hundred thousand dollars shall be subscribed by individuals or by bodies corporate, it shall and may be lawful for the commissioners to reduce such subscriptions, according to a scale by them to be established for that purpose, to the aforesaid sum of two hundred thousand dollars: *Provided*, That no subscription of two shares or under shall be scaled until all larger subscriptions shall be reduced to an equality with them.

To make loans to the State.

SEC. 15. *Be it further enacted*, That the said bank shall, from time to time, when called on, after two months' notice in writing, make loans of money to the State of North-Carolina, whenever the same shall be applied for by authority given by the General Assembly: *Provided*, That the amount loaned shall at no time exceed the sum of eight per cent. on the capital stock subscribed.

No issues less than \$5.

SEC. 16. *Be it further enacted*, That no bill, promissory note, check or certificate of deposit shall be issued or re-issued by the corporation for a less amount than five dollars; and all bills, notes, checks, or certificates of deposits, intended for circulation, over five, shall be ten, or the multiple of ten.

Gifts, &c., to officers.

SEC. 17. *Be it further enacted*, That no officer or director of said bank shall, at any time, receive any gift, gratuity or reward from any person or persons obtaining a discount or other accommodation at such bank, on account of or by reason

of said accommodation; and no officer or director of said bank shall, at any time, purchase any note, bill, or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same, or to the use of the same; and all persons so offending shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined and imprisoned, at the discretion of the court trying the same: *Provided*, That the said offence shall be cognizable in the superior courts only. Penalty for receiving them.

SEC. 18. *Be it further enacted*, That no director or other officer of said bank shall, directly or indirectly, receive any compensation for any agency in negotiating any business with the bank or its agencies, in procuring discounts, renewing notes, or receiving moneys for individuals, or notes discounted; and any such director or other officer thus receiving compensation shall be removed from office, and be disqualified from thereafter holding any office in said bank or any of its agencies. Compensation to directors, &c.

SEC. 19. *Be it further enacted*, That the bank shall at no time have a circulation more than twice the amount of its capital actually paid in, nor more than three times the amount of specie on hand. Circulation.

SEC. 20. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State treasury five per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State. Suspensions.

SEC. 21. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO INCORPORATE THE BANK OF THOMASVILLE. *Chap. 65.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a bank be established in the town of Thomasville, the capital stock of which shall not exceed three hundred thousand dollars, divided into shares of fifty dollars each, and for the purpose of receiving subscriptions for said Incorporated.

Commissioners.

stock, books shall be opened on the 15th day of February, 1861, or within twenty days after the ratification hereof, and remain open for the space of sixty days at Thomasville under the superintendence of Jesse Shelly, David Loftin, D. W. C. Johnson and David Helper; and at Lexington under the superintendence of Samuel Hargrave, Ben. Kittrell, Alfred Hargrave, E. D. Hampton and J. Anderton, or a majority of them; in Greensborough, under the direction of C. P. Mendenhall, Ralph Gorrell and J. M. Morehead, or a majority of them; at Ashborough, under the direction of Jonathan Worth, B. F. Hoover and J. M. Worth, or a majority of them; at Gold Hill, under the superintendence of Moses Holmes, Brantley Harris and Reuben Holmes, or a majority of them; at Clemons ville, under A. C. Whorton, Lewis Hains and B. C. Douthitt.

Payment of stock.

SEC. 2. *Be it further enacted*, That one-fifth of such shares shall be paid in gold or silver to the commissioners above named, or those appointed by them, at the time of subscription; that another fifth shall be paid within sixty days thereafter; that another fifth shall be paid within one hundred and twenty days thereafter; that another fifth shall be paid within three months after the time appointed for paying the third instalment; and the remaining fifth shall be paid within three months after the time of paying the fourth instalment; and if any subscriber fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficient instalment, and he shall be held responsible for the same at the option of the bank, and the remainder, if any, of such sale to be paid over to the subscriber: *Provided*, That after the bank shall have been organized, as hereinafter provided, the remaining unpaid instalment shall be paid to the directors, or their agents; and it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time limited for the same, and every subscriber so paying in advance shall have a discount at the rate of six per cent. per annum on each advance, computing the same from the time when payment is made to the time when it is required to be made.

Proviso.

SEC. 3. *Be it further enacted*, That when one thousand

shares are subscribed, and the sum of twenty-five thousand dollars actually paid to the commissioners aforesaid, the subscribers to the said bank, their successors and assigns, shall be, and are hereby created a body-politic in law and in fact, by the name and style of the Thomasville Bank, and shall so continue until the first day of January, 1890; and by the name and style aforesaid, they shall be able and capable in law to have, purchase, receive, possess and enjoy, and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended unto, in courts of record, or in any place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation, and for the making whereof general meetings of the stockholders may be called in the manner hereinafter specified; and generally to do, execute all acts, matters and things which a corporation and body-politic in law may or can fully execute, and be subject to the rules, regulations and provisions hereinafter prescribed and declared.

When to go into operation.

Powers.

SEC. 4. *Be it further enacted*, That if it shall happen when the books shall be opened as aforesaid, that a greater sum than three hundred thousand dollars shall have been subscribed by individuals or by bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions according to a scale to be by them established for that purpose to the aforesaid amount of three hundred thousand dollars: *Provided*, That no subscriptions of two shares or under shall be scaled until all larger subscriptions shall first be reduced to an equality with them, and if one thousand shares should not be subscribed within the sixty days aforesaid, the commissioners may keep open the books for subscription twelve months longer, unless the sum be sooner subscribed; and the directors elected as hereinafter prescribed, should be allowed to keep open the subscription-books until the whole of the stock shall be taken; and open and close the same previous thereto at their discre-

Stock to be scaled.

tion; the commissioners appointed to receive subscription at Lexington, Greensborough, Asheborough, Gold Hill, Clemons-ville and other places, shall pay over to the commissioners herein appointed to receive subscription at Thomasville, in the county of Davidson, all moneys paid to them on stock subscribed immediately after receiving the same.

Notice of meet-
ing.

SEC. 5. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given in the Greensborough Patriot, published in the town of Greensborough, or in some other public manner, and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called, and if at this meeting those or their agents who have a majority of votes, according to the rules hereinafter described, be present, if not another meeting shall be called, they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank into operation. The said directors shall remain in office until the time which shall be prescribed in the by-laws of the said corporation for the annual meeting of the stockholders, or until their successors shall be appointed. At the time which shall be prescribed as aforesaid in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Thomasville for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

Election of di-
rectors.

Term of office.

Rules, &c.

SEC. 6. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: a meeting of the stockholders cannot be held unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of the majority of the votes which may be present; every stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote; for every ten shares above one hundred not

Vote of stock.

exceeding two hundred, one vote; for every twenty shares above two hundred, one vote; after the first meeting no share or shares shall confer a right of voting, which shall not have been holden three calendar months previous to the day of voting; stockholders may vote at general meetings and elections by proxy, the proxy himself being a stockholder; none but a stockholder who is a citizen of the State shall be eligible as a director, and the stockholders shall appoint annually seven directors to manage the bank, and when appointed, they shall choose one of their number to be president of the bank, and shall manage the institution as shall seem best, unless otherwise directed by the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place. If a vacancy in the directory shall occur by death, resignation, or otherwise, the remaining directors shall fill such vacancies until the succeeding annual meeting of the stockholders—a number of stockholders not less than ten, who, together, shall be owners of five hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders for purposes relative to the institution, giving at least twenty days' notice in public gazette, and specifying the object or objects of such meeting. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure; those officers shall be required to give bonds with two or more securities, in sums in not less than fifteen thousand dollars, with a condition of good behavior and faithful performance of duty; they shall be allowed by the directors such compensation for their services as shall be deemed reasonable, but compensation to the president and directors shall be granted at the pleasure of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the laws and ordinances of the same.

Directors, how appointed.

Quorum.

General meetings.

Bonds of officers.

Stock assignable.

SEC. 7. *Be it further enacted*, That the said corporation shall neither directly nor indirectly trade in anything except

What the bank may trade in.

bills of exchange, promissory notes, and bonds expressing on the face of them to be negotiable and payable at said bank, gold and silver bullion, or in sale of goods, really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, or in mint certificates and the public debts of the United States and of this State: *Provided*, The investment in such stocks shall not exceed one-half of the capital stock of this bank. The said corporation shall purchase and hold only such lands, tenements as shall be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it in satisfaction of debts previously contracted in course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts.

Proviso.

Rate of interest.

SEC. 8. *Be it further enacted*, That the said corporation shall not take more than six per cent. per annum for or upon the loans or discounts, which interest may be received in advance at the time of discount; and the said bank shall at no time have in circulation more than twice the amount of its capital actually paid in.

Bills obligatory
and of credit.

SEC. 9. *Be it further enacted*, That bills obligations (obligatory) and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereon in his or her or their name or names; and bills or notes which may be issued by order of the said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same in the like manner, and with the like force and effect, as to say, those which shall be payable to any person or persons, his, her or their order shall be assignable by endorsement in like manner and with like effect, as foreign bills of exchange now are,

and those which are payable to the bearer shall be negotiable and assignable by delivery.

SEC. 10. *Be it further enacted*, That no note shall be issued by said bank under the denomination of five dollars, and if over five dollars, none unless it be of the denomination of ten or its multiple; and that if any person or persons holding any note or notes of said bank shall present the same for payment, and payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of said note or notes of said bank, not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the capital stock paid in cash, [if] the bank be unable to pay the amount: *Provided always*, That if any note or notes of the said bank shall be presented for payment by or for any bank or banks or agency of any bank, either directly or indirectly, it shall be lawful to pay the same or any part thereof with the note or notes of the bank, by or for which the demand shall have been made, whether made at the instance of the principal bank, its branch or agency, without regard to the place.

Not to issue notes less than \$5.

Refusal to pay notes, &c.

Remedy.

Proviso.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annually dividends of the profits thereof: *Provided*, That no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver; and if at any time more than the real profits are divided, the directors thereto assenting shall be responsible in their private capacity to creditors who have claims against the said institution.

Dividenda.

SEC. 12. *Be it further enacted*, That in case of any insolvency of the bank hereby created, or ultimate inability to pay, the individual stockholders shall be liable to creditors in sums double the amount of stock by them respectively held in said corporation.

Insolvency.

SEC. 13. *Be it further enacted*, That the officer at the head of the Treasurer Department of the State shall be furnished, once in three months, with the statement of the amount of the capital stock of said corporation, and the debts due to the same,

Condition of the bank.

of the moneys deposited therein of the notes in circulation, and of the cash on hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to said statements, and shall publish the same in two newspapers, one of which shall be in the city of Raleigh: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank except the directors; and it shall be the duty of the president of the bank, in the first week in December in each and every year, to transmit to the General Assembly a full statement of the condition of the bank, exhibiting the amount of capital in circulation, debts due to other banks, and to what banks, deposits, and all other particulars necessary to explain the debit side of the accounts; also the specie on hand, notes on other banks, and what banks, bills of exchange, debts or bonds, and notes discounted, specifying in one item the amount due from stockholders, and in another the amount due from directors, not, however, using any person's name in either case, and the real estate, and shall publish similar statements in two papers of the largest circulation, one in the city of Raleigh, and one in the town of Thomasville, on the first day of January of each year, and every three months thereafter.

Forging, counterfeiting, &c

SEC. 14. *Be it further enacted*, That if any person falsify [falsely] make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, and willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president and directors of the Bank of Thomasville, or any order or check upon said bank or corporation or the cashier thereof, or shall falsely alter, or willingly aid or assist in falsely altering any bill or note issued by order of the said corporation, or any order or check on said bank or cashier thereof, or shall pass or receive with intent to pass, alter or publish as true any false, forged or counterfeited bill or note purporting to be a bill or note issued by order of said corporation, or any false, forged or counterfeit check or order upon the said bank or the cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass or receive with intent to pass off, or publish as true, any falsely altered check

or order on said bank or the cashier thereof, or falsely alter [any] bill or note issued by order of said bank, knowing the same to be falsely altered, with intent to defraud said corporation or any other body-politic, or person or persons, every such person shall be deemed guilty of felony, and being thereof convicted, by due course of law, shall be imprisoned not exceeding ten years, and be fined not exceeding five thousand dollars. Penalty.

SEC. 15. *Be it further enacted*, That the president or cashier shall annually pay into the Treasury of the State fifteen cents on each share of said capital stock, which may have been subscribed and paid in, and the first payment of said tax shall be made twelve months after [the] bank shall have commenced operations, which tax may be increased at any time not exceeding fifty cents per share, as the General Assembly may direct, or exigencies of the State require in equalizing taxation: *Provided*, That nothing herein contained shall be so construed as to prevent the legislature from taxing dividends due private stockholders or corporations in said bank. Tax on stock.

SEC. 16. *Be it further enacted*, That if any president, cashier, clerk, or other officer of the aforesaid bank shall knowingly, wilfully, and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the legislature, or to the board of directors of the bank, or to the stockholders, or to any other person or persons that may be authorized by the legislature, or by the stockholders, to receive the same, such president, directors, cashier, clerk, or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor [in] the superior court, and upon conviction shall be fined at the discretion of the court, and imprisoned not exceeding one year. False returns.

SEC. 17. *Be it further enacted*, That if a director or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with the intent to defraud said corporation or make false entries upon the books of said bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of felony, and upon conviction thereof Penalty.

Embezzlements, &c.

Penalty.

by due course of law, shall be punished by fine, at the discretion of the court, and imprisoned not exceeding five years.

Violation of charter.

SEC. 18. *Be it further enacted*, That whenever the legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, it may be lawful by joint-resolution to direct the attorney general, with such assistant counsel as the governor or legislature may think proper to engage, to issue a writ of *seire facias*, returnable before the judge of the supreme court, calling upon said corporation to show cause why the charter hereby granted shall not be forfeited, subject to the same proceedings as are now prescribed by law in cases of a corporation.

Books to be kept.

SEC. 19. *Be it further enacted*, That the cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting; and shall record the yeas and nays on any question when asked for by any director; this book shall be evidence in courts of justice, and on entering on the discharge of his duties the cashier shall take the following oath before some justice of the peace, by whom it shall be returned to the office of the county court: "I, A B, do solemnly swear to keep a just and true record, without alteration or erasures, of the transactions of the board of directors of the Bank of Thomasville, in a book kept by me for that purpose."

Oath of cashier.

Suspension of specie payment.

SEC. 20. *Be it further enacted*, That whenever said bank shall suspend specie payment, unless under the advice of the governor and council, it shall pay into the State Treasury, at the rate of four per cent. on the amount in circulation at the time of suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State.

Branches.

SEC. 21. *Be it further enacted*, That the board of directors be, and they are hereby authorized and required to establish a branch of said bank at the town of Concord, in Cabarrus county: *Provided*, The sum of fifty thousand dollars be subscribed at that place to the capital stock of said bank.

Branches.

SEC. 22. *Be it further enacted*, That the board of directors be, and they are hereby authorized and required to establish a branch of the said bank at Beaufort or Morehead City, in Carteret county, of fifty thousand dollars to the capital stock thereof, at Beaufort or Morehead City.

SEC. 23. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

AN ACT TO INCORPORATE THE BANK OF WESTERN NORTH CAROLINA. *Chap. 66.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a bank shall be established, either in the town of Franklin, Webster or Waynesville, with agencies, known as the Bank of Western North Carolina; the capital stock of which shall not exceed four hundred thousand dollars, divided into shares of one hundred dollars each; and that for the purpose of receiving subscriptions for said stock, books shall be opened on the 4th Monday of September, 1861, and remain open for thirty days at Franklin, under the superintendence of N. G. Allman, Jackson Johnston, J. M. Lyle, W. Trotter, J. R. Siler, and Dilliard Love. Incorporated.

SEC. 2. *Be it further enacted*, That one-tenth of such shares shall be paid in gold and silver to the commissioners above named, at the time the commissioners meet for organizing the bank; that another tenth shall be paid within ninety days; that another tenth shall be paid within one hundred and twenty days, and that the remainder shall be paid as the president and directors hereafter provided to be elected may direct; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay the interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficit instalment, and he shall be held responsible for the same at the option of the bank, and the balance, if any, to be paid over to the said subscriber. Payment of stock.

SEC. 3. *Be it further enacted*, That when one thousand shares are subscribed, and the sum of fifty thousand dollars actually paid to the commissioners, the subscribers to the said bank, their successors and assigns, shall be and are hereby created a body politic in law and in fact, by the name and style of the Bank of Western North Carolina, and shall so continue To go into operation.

Powers.

until the first day of January, one thousand eight hundred and ninety-one, and by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, alien and dispose of, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in courts of record, or any other place whatsoever, and also to make, have and use a common seal, and the same break, alter or renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation; and for making whereof, general meetings of the stockholders may be called in the manner hereinafter specified, and generally to do and execute all matters, acts and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations and restrictions and provisions hereinafter prescribed and declared.

Notice of meeting of stockholders.

SEC. 4. *Be it further enacted*, That as soon as one thousand shares shall be taken in the stock of said bank, and fifty thousand dollars paid to the commissioners who keep the books, notice shall be given in the newspapers published in the town of Franklin. A meeting of the subscribers shall be called to be held at least thirty days after the date of the notice; if at this meeting they, or their agents, who have a majority of the votes, according to the rates hereafter described, be present, if not, another meeting shall be called, they shall proceed to the election of nine directors, who shall take charge of the bank and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation; said directors shall remain in office until the fourth Monday in September, eighteen hundred and sixty-two, or until their successors shall be appointed; and on the fourth Monday in September in each year, or at any time thereafter, meetings of the stockholders shall be held in the town where the same is located, for the purpose of electing directors, enquiring into the affairs of the institution, and making such other regulations as may [be] deemed fit and necessary.

Directors to be elected.

Term of office.

SEC. 5. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation: A meeting of the stockholders cannot be held unless those who have a majority of the number of the votes be present, and every act shall require the sanction of the majority of the votes which may be present. Every stockholder holding one share, and not more than two shares, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding one hundred, one vote; and for every four shares above one hundred, one vote. After the first meeting, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of voting; the stockholders may vote at the general meetings and elections by proxy, the proxy himself being a stockholder. No president, cashier, director, agent or clerk of the bank, shall be permitted to vote as proxy for another; none but a stockholder who is a citizen of the State shall be eligible as a director. The directors, when appointed, shall choose one of their number (which shall always be seven) to be president of the bank, and shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but compensation to the president and directors shall be granted at the pleasure of the stockholders; not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may in writing appoint another director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of two thousand shares and upward, shall have power at any time to call a general meeting of the stockholders for purposes relating to the institution, giving at least thirty days' notice in a newspaper published in the town of Franklin, and specifying the object or objects of such meeting or meetings. The directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them, or either of them, at pleasure; these officers shall be required to give bonds, with two or more sureties, in sums not less than ten thousand dollars, with condition of good behavior and faithful

Rules, regulations, &c.

Vote of the stockholders.

Proxies.

President, &c.

General meetings.

Officers.

Proceedings of the board,	performance of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date and day of each meeting, and shall record the ayes and nays on any question, when asked for by any director; this book shall be evidence in courts of justice. On entering on the discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of clerk of the county court of the county where the bank is located, viz:
Oath of cashier.	"I, A. B., do solemnly swear or affirm (as the case may be) to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the Bank of Western North Carolina, in a book to be kept for that purpose."
Powers of the bank.	The said corporation shall purchase and hold such lands, tenements, rents and hereditaments as shall be required for the transaction of its business, or shall have been <i>bona fide</i> mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of its dealings, or purchased at sales upon judgments which shall have been obtained on such debts. The said corporation shall neither directly nor indirectly trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or in goods which shall be the produce of its lands, mint certificates, and the public debt of the State: <i>Provided</i> , That the investment in such stock shall not exceed one-half of the capital stock of said bank; neither shall said corporation take more than the rate of half per cent. for thirty days, for or upon its loans or discounts, which interest may be taken in advance at the time of discount. The total amount of notes which said corporation shall at any time [have] in circulation, shall not exceed twice the amount of stock actually paid in. If a vacancy in the directory shall occur by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the by-laws and ordinances of the same. The officers at the head of the treasury department of the State shall be furnished once in six months with a statement of the amount of the capital
What it may deal in.	
Proviso.	
Circulation.	
Vacancies.	
Stock transferable.	
Condition of the bank.	

stock of said corporation, and debts due the same, and the money deposited therein, of the notes in circulation and of the cash in hand, and shall have a right to inspect such general accounts in the books of the bank as shall relate to the statement: *Provided*, That this shall not be construed into a right of inspecting the account of any private individual with the bank, except the directors. The bills obligatory and of credit under seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsements thereon under the hand or hands of such person or persons, and of his or her assignee or assignees, and so as absolutely to transfer and invest the property therein, and [in] each and every assignee or assignees successfully [successively], and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their name or names; and bills or notes which may be issued by order of such corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said incorporation, shall be binding and obligatory on the same in like manner and with like force and effect as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable by delivery only.

SEC. 6. *Be it further enacted*, That any person or persons holding a note or notes of said bank, shall present the same for payment, and if payment shall be refused, the said note or notes shall draw interest at the rate of twelve per centum per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of said bank, if not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the amount of stock paid in: *Provided*, The bank be unable to pay the amount.

SEC. 7. *Be it further enacted*, That in case of insolvency of the bank hereby created, or ultimate inability on the part of the corporation to pay, the individual stockholders shall be

Proviso.

Bills obligatory and of credit.

Refusal to pay notes, &c.

Penalty.

Insolvency.

liable to creditors in the sum double the amount of the stock by them respectively held in said corporation.

Books of stock
may be kept
open.

SEC. 8. *Be it further enacted*, That the directors may keep open the subscription books until the whole of the stock shall be taken: *Provided*, That if the sum of fifty thousand dollars is not subscribed and paid in within two years after the ratification of this act, then the whole of this act shall be null and void.

Embezzlement.

SEC. 9. *Be it further enacted*, That if any director, or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of a felony; and upon conviction thereof, by due course of law, shall be punished by fine at the discretion of the court, and imprisoned not exceeding five years.

Penalty.

Tax on stock.

SEC. 10. *Be it further enacted*, That the president or cashier of said bank shall annually pay into the treasury of the State, thirty cents on each share of said capital stock which has been subscribed for and paid in, and the first payment of said tax shall be paid twelve months after said stock shall have been subscribed and paid; and the General Assembly reserves to itself the power, whenever it shall be deemed necessary, to increase said tax to a sum not exceeding one dollar on each share of said capital stock: *Provided*, That the tax in this case shall not be greater than that imposed on shares in such other banks as may be chartered at this or some other succeeding session of this General Assembly: *And provided further*, That this or any other General Assembly shall have the power to tax the dividends belonging to individuals and incorporations. Said tax shall not exceed the tax on the interest of money loaned.

Proviso.

Proviso.

Dividends.

SEC. 11. *Be it further enacted*, That the directors of said bank may declare semi-annual dividends of profits thereof; and if at any time more than the real profits are divided, the directors assenting thereto shall be responsible in their private capacities to creditors who have claims against said institution.

Condition of the
bank.

SEC. 12. *Be it further enacted*, That the president of this bank shall, on the first day of March and the first day of September in each and every year, transmit to the public trea-

surer a full statement of the condition of the bank, exhibiting the amount of the capital stock, notes in circulation, debts due to other banks, and what banks, deposits, and all other particulars necessary to explain the debit side of the account; also specie on hand, notes of other banks, and what banks, bills of exchange, debts or bonds, and notes discounted; specifying in one item the amount due from stockholders, [*and in another the amount due from stockholders,*] and in another the amount due from directors, not, however, using any person's name in any case, and real estate; and the said corporation shall publish, at its own expense, a copy of said statement quarterly, in one newspaper published in the city of Raleigh.

SEC. 13. *Be it further enacted*, That if any president, cashier, clerk, or other officer of the aforesaid bank, shall knowingly, and with intent to deceive, make, or cause to be made, or connive at making, any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the General Assembly, or to the board of directors, or to the stockholders, or to any other person or persons that may be authorized by the legislature or by the stockholders to receive the same, such president, cashier, clerk, or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for misdemeanor in the superior courts, and upon conviction, shall be fined at the discretion of the court, or imprisoned not exceeding one year. False returns. Penalty.

SEC. 14. *Be it further enacted*, That if it shall happen, when books shall be opened as aforesaid, that a greater sum than four hundred thousand dollars shall be subscribed by individuals, or by bodies corporate, it shall and may be lawful for the commissioners to reduce such subscription by them to be established for that purpose, to the aforesaid amount of four hundred thousand dollars: *Provided*, That no subscription of — shares, or under, shall be scaled, until a larger subscription shall be reduced to an equality with them. Stock may be scaled. Proviso.

SEC. 15. *Be it further enacted*, That the said bank shall, from time to time, when called on, after two weeks' notice in writing, make loans of money to the State of North Carolina whenever the same shall be applied for, by authority given of the general assembly: *Provided*, That the amount loaned shall at no time exceed the sum of five per cent. on the capital stock subscribed. To loan to State.

No note to be
issued less
than \$3.

SEC. 16. *Be it further enacted*, That no bill, promissory note, check or certificate of deposit, shall be issued or re-issued by the corporation for a less amount than three dollars, nor shall the said bank pay out the bills or notes of other banks, of a less denomination, unless it be in settlement with other banks.

Gifts to officers.

SEC. 17. *Be it further enacted*, That no officer or director of said bank shall at any time receive any gift, gratuity or reward from any person or persons obtaining a discount or other accommodation at said bank, on account of or by a reasonable accommodation; and no officer or director of said bank shall at any time purchase any note, bill, or other evidence of debt with his own funds, and afterwards place the same in said bank as the property of the same, or to the use of the same; and all persons so offending shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined and imprisoned, at the discretion of the court trying the same: *Provided*, That the said offence shall be cognizable in the superior courts only.

Penalty for re-
ceiving such.

SEC. 18. *Be it further enacted*, That no director, or other officer of said bank, shall directly or indirectly receive any compensation for any agency in negotiating any business with the bank, or agencies, in procuring discounts, renewing notes, or receiving monies for individuals or notes discounted; and any such director or other officer thus receiving compensation, shall be removed from office, and be disqualified from hereafter holding any office in said bank, or any of its agencies.

Compensation
to officers.

Suspensions.

SEC. 19. *Be it further enacted*, That whenever such bank shall suspend specie payment for ninety days, unless under the advice and consent of the governor and council, it shall pay to the public treasurer four per cent. on the amount in circulation at the time of said suspension, to be ascertained upon the oath of the cashier, and collected by the treasurer of the State.

Usury.

SEC. 20. *Be it further enacted*, That in any suit to which said bank is a party in interest, in which the question of usury is involved, the cashier, agent or other officer of said bank, shall be a competent witness against said bank, notwithstanding said cashier, agent or other officer may be the payee, drawer, endorser or acceptor of the bond, note or bill sought to be avoided or impeached for usury, or which is alleged to be usurious.

SEC. 21. *Be it further enacted*, That said bank shall at no time have in circulation more than twice the amount of the capital stock actually paid in.

SEC. 22. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

CAMP GROUNDS.

AN ACT TO ESTABLISH THE BALLS CREEK CAMP GROUND, IN THE *Chap. 67.*
COUNTY OF CATAWBA, STATE OF NORTH CAROLINA, AND TO IN-
CORPORATE THE TRUSTEES THEREOF.

SECTION 1. *Be it enacted by the General Assembly of the* *Body politic.*
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That George S. Hooper, Henry Cline,
Elias Smyer, Henderson Sherill, and John F. Pain, and their
successors, be, and they are hereby declared to be a body poli-
tic and corporate, to be known and distinguished by the name
and style of the "Trustees of the Balls Creek Camp Ground,"
situated and lying in Catawba county, in this State, on the
land now conveyed for that purpose in fee simple to George S.
Hooper, Henry Cline, Elias Smyer, Hend. Sherill and John
F. Pain, in trust, for the use of the Methodist church, contain-
ing by estimation forty acres, be the same more or less; and
the said trustees shall have succession and a common seal, and *Powers.*
be capable in law to sue and be sued, plead and be impleaded,
in all courts of law and equity in this State; and they may
take, demand, receive and possess all lands and tenements,
moneys, goods and chattels which may be given to them by
will or otherwise, for the use of said camp ground; also to de-
mand, ask and receive any rents or profits arising from said
land for the purpose aforesaid.

SEC. 2. *Be it further enacted*, That the said trustees shall *Powers.*
have power to grant, bargain and sell any or all such lands,
rents, tenements and hereditaments, as aforesaid, to any pur-
chaser, for the purposes of this act, and shall have power to
establish such rules and regulations for the observance of
order, decorum, and the removal of all nuisances from said

camp ground, while occupied for worship, and at other times, not inconsistent with the constitution of the land and laws of this State.

Vacancy in
board of
trustees.

SEC. 3. *Be it further enacted*, That in case of death, resignation, or refusal to act, or removal from the State, the remaining trustees shall have power to fill the vacancy: *Provided*, Their number shall not exceed ten nor [be] less than five trustees.

SEC. 4. *Be it further enacted*, That this act shall be in effect from and after its ratification, and that this act may continue in force for the term of sixty years. [*Ratified the 20th day of February, 1861.*]

Chap. 68. AN ACT TO INCORPORATE SULPHUR SPRINGS CAMP GROUNDS IN THE COUNTY OF CLEVELAND.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Dr. W. J. T. Miller, A. J. Hardin, Rufus Roberts, David Whisnant and James James Roberts, and their successors, be, and they are hereby constituted a body politic and corporate, by the name of the "Trustees of Sulphur Springs Camp Ground," and by that name shall have perpetual succession, and a common seal, may sue and be sued, acquire and transfer property, and pass all such by-laws, rules and regulations, for the good government of said camp ground, as shall not be inconsistent with the constitution and laws of this State and of the United States; and in case of vacancy by death, resignation or otherwise, the remainder, or a majority of them, or the conference of the Methodist Episcopal Church in that circuit, and according to the Discipline and rules of said church, may appoint successors, who shall have the same power and authority, as are conferred on the trustees created by this act.

SEC. 2. *Be it further enacted*, That this act shall be in force from and immediately after its ratification, and may continue in force for the term of sixty years. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE SALEM CAMP GROUND IN LINCOLN *Chap. 69.*
COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Bartlett Stroup, and William Garrison and Thomas R. Shuford, and their successors, be, and are hereby declared a body politic and corporate, to be known and distinguished by the name and style of the "Trustees of the Salem Camp Ground," situated in Lincoln county, in North Carolina, on the land now conveyed for that purpose in fee simple to Bartlett Stroup, in trust, for the use of the Baptist Church, containing four acres of land. That the said trustees shall have succession and a common seal, and be capable in law and equity to sue and be sued in all courts in this State; and they shall have power to receive all such rents and perquisites that may arise from said lands. Body politic.

SEC. 2. *Be it further enacted,* That said trustees shall have power to sell all such lands, tenements, and hereditaments as aforesaid, to any purchaser for the purposes of this act; and shall have the power to establish such regulations and rules for the observance of order and decorum, and the removal of all nuisances from said camp ground, while occupied for worship and at other times: *Provided,* Such rules and regulations shall not be inconsistent with the laws of the State. Powers.

SEC. 3. *Re it further enacted,* That in case of death, resignation, refusal to act, or removal from the State, the remaining trustees shall have power to fill the vacancy: *Provided,* That the number shall at no time exceed five. [*Ratified the 22d day of February, 1861.*] Vacancies in board.

COLLEGES.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE BASCOM COLLEGE IN THE TOWN OF LEICESTER, BUNCOMBE COUNTY," PASSED AT THE SESSION OF THE GENERAL ASSEMBLY IN THE YEAR 1858-9. *Chap. 70.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the au-* Number of trustees may be increased.

Powers.

thority of the same, That the trustees of said college may increase their number to not more than twenty; and said corporation may acquire, own and hold, for the purposes of education, all necessary real and personal estate, and may make all such by-laws and regulations as may be necessary for the good government of the college.

Sale of spirituous liquors prohibited.

SEC. 2. *Be it further enacted*, That it shall not be lawful for any person or persons to sell or barter any spirituous liquors within two miles of said "Bascom College;" and if any person or persons shall violate the provisions of this section, such person or persons shall be deemed and held guilty of a misdemeanor and indictable for the same, and on conviction shall be imprisoned at the discretion of the court, or fined not less than ten dollars.

When act to take effect.

SEC. 3. *Be it further enacted*, That this act shall take effect as soon as the trustees of said college, or a majority of them, shall signify their acceptance of the same on the minutes of their proceedings.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

Chap. 71.

AN ACT FOR THE RELIEF OF DAVIDSON COLLEGE.

Remits tax on the Chambers bequest.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same*, That the State of North Carolina hereby remits and releases any and all claim whatsoever due her for the collateral tax upon the estate devised and bequeathed to Davidson College by virtue of the last will and testament of the late Maxwell Chambers, dec'd: *Provided*, That all costs and fees shall be paid by the college.

SEC. 2. *Be it further enacted*, That this act shall take effect from and immediately after its passage. [*Ratified the 22d day of February, 1861.*]

AN ACT TO INCORPORATE JUDSON FEMALE COLLEGE IN THE TOWN *Chap. 72.*
OF HENDERSONVILLE.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Trustees incor-}
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That N. Bowen, James Blythe, A. M.
Hawkins, V. Bibly, W. D. Whitted, J. P. Jordan, D. Stradly,
William Patten, J. H. Allen, T. A. Allen, D. King, Joseph
King, S. K. Stansel, W. D. Justice, David Gallen, Benjamin
King, Thomas Stradly, T. B. Justus, T. Davis, C. P. Mingus,
B. H. Moody, N. Edmonston, E. B. Herron, J. Franks, J. M.
Hamilton, A. J. Cansler and M. Dickey be, and the same are
hereby constituted a body corporate, for the purpose of edu-
cating females, and for no other purpose whatever, by the name
and style of "Judson Female College," and by that name
shall have a perpetual succession and a common seal, and shall
be able and capable in law or equity to sue and be sued, plead ^{Powers.}
and be impleaded, and shall take, demand, receive, and possess
all goods and chattels, lands and tenements which may be
given, and all donations made shall be applied according to
the wish of the donor to the purpose hereinafter declared; and
by purchase or otherwise to take, hold and possess to them and
their successors forever, any lands sufficient for the purposes of
the college, and may purchase and hold for the purposes of the
institution such chattels and personal property as they may
deem necessary: *Provided,* That the amount of real and per-
sonal estate shall not exceed at any one time three hundred
thousand dollars.

SEC. 2. *Be it further enacted,* That the estate, real and ^{Purposes of es-}
personal, received or controlled by the trustees of Judson ^{tate held.}
College shall be for the use and purposes of the Baptist church
of North Carolina.

SEC. 3. *Be it further enacted,* That the president and pro- ^{Power to confer}
fessors of said college, by and with the consent of the trustees, ^{degrees.}
shall have the power of conferring all such degrees or marks of
distinction as are usually conferred in colleges or universities.

SEC. 4. *Be it further enacted,* That the said trustees and ^{Appointment of}
their successors, or a majority of them present, shall have the ^{president and}
power of appointing a president and such professors and tutors ^{professors.}
as to them shall appear necessary and proper for said college,

- Removals. whom they may remove for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations for their own government and that of the college as to them may appear expedient: *Provided*, That the same are not inconsistent with the laws or constitution of the State: *Provided, further*, That if a majority of said trustees shall not convene for the purpose aforesaid, it shall and may be lawful
- Quorum. for five of the trustees and their successors to form a quorum to do business, and may from time to time make such by-laws and regulations [as may be deemed necessary.]
- Vacancies, &c. SEC. 5. *Be it further enacted*, That upon the death or resignation of any of the trustees, or a vacancy from any other cause, or if the trustees desire to increase their number, then in any of the above events the Western North Carolina Baptist Convention shall fill the vacancies or increase the number.
- SEC. 6. *Be it further enacted*, That this act shall take effect from and after its ratification. [*Ratified the 11th day of February, 1861.*]

Chap. 73. AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE MARS HILL COLLEGE, PASSED AT THE SESSION OF 1858-59.

- Body politic. SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That J. W. Anderson, T. S. Denver, E. Carter, T. W. Ray, P. Anderson, T. J. Rollins, E. S. Carter, G. D. Ray, J. A. Keeth, Robert Patterson, John Rodford, Stephen Ammons, John Ammons, J. W. Rooker, Sam'l Smith, D. G. Carter, T. D. Carter, J. C. James, L. W. James, B. B. Whittington, R. N. Edwards, E. Jervis, B. Duck, A. J. Cansler, T. B. Justice, J. C. Grayson, L. McCurry, A. M. Hawkins, N. Bowen, J. R. Duckworth, N. Edmonston, F. Stradley W. M. Porter, John Parham, J. W. Dickson, Tilmore Blalock, D. Beane, and G. M. Green shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the "Mars Hill College," and by that name shall have succession and a common seal, and continue for the term of fifty years; and that the said trustees and their successors, or a majority of them, by the name afore-
- Corporate title.

said, shall be able and capable in law to receive and possess all Powers of trustees. moneys, goods and chattels, and choses in action, that shall be given them for the use of the college; and by gift, purchase or devise, may take and hold to them, and their successors, any lands, rents, tenements and hereditaments of whatever kind, nature or quality soever, in special trust and confidence, that the sum and the profits thereof shall be applied to and for the use and benefit of said college, and the said trustees shall have such other powers and enjoy such other privileges and rights as are usually incident to corporate bodies of a like charter [character].

SEC. 2. *Be it further enacted*, That the said trustees, or Powers. their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell and convey to the purchaser, any such lands, rents, tenements and hereditaments to which they may be entitled as aforesaid; and further, that the said trustees, or a majority of them, and their successors, for the term aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in all courts whatsoever, either of law or equity, of record or otherwise.

SEC. 3. *Be it further enacted*, That there shall not be less Number of trustees. than thirty nor more than forty trustees for said college at any time, and that on the death, resignation, or refusal to act of any of the trustees for the time being, or the removal from office, by the concurrence of two-thirds of the trustees, for the neglect of duty or other cause, the vacancy so happening shall Vacancies. be filled by the Western North Carolina Baptist Convention, with the concurrence and approval of the said board of trustees, and the trustees so appointed shall be vested with the same powers, rights, trust and authority as those appointed by this act.

SEC. 4. *Be it further enacted*, That the trustees and their Appointment of President and Professors. successors shall have the power of appointing a president and such other professors and tutors as to them shall appear necessary and proper for said college, whom they may remove at Removals. any time for misbehavior, inability or neglect of duty, and may from time to time make such by-laws and regulations as they may deem necessary for the government of the college: *Provided*, The same are not inconsistent with the constitution or laws of the State: *Provided, further*, That if a majority of

Quorum.

the said trustees shall not convene for the purpose aforesaid, it shall be lawful for five of the trustees, or their successors, to form a quorum for the transaction of business, and may from time to time make all necessary by-laws and regulations.

Amount of estate to be held.

SEC. 5. *Be it further enacted*, That the whole amount of real and personal estate belonging to said college shall at no time exceed fifty thousand dollars in value.

Tippling houses.

SEC. 6. *Be it further enacted*, That it shall not be lawful for any person to erect, keep or maintain at Mars Hill College, or within four miles of Mars Hill College, in the county of Madison, any tippling house or establishment whatsoever for the management [manufacture] or sale of spirituous liquors, or wines, nor shall it be lawful for any person to sell any wines or spirituous liquors within four miles of said college.

Penalties.

SEC. 7. *Be it further enacted*, That any person or persons who shall violate the provisions of the sixth section of this act, shall be deemed guilty of a misdemeanor, and may be prosecuted and punished as for other misdemeanors, in any court having cognizance thereof; and moreover shall be subject to a penalty of fifty dollars, to be sued for and recovered before any justice of the peace, in the county of Madison; one-half of said penalty to accrue to the person who shall sue for the same, the other half to the use and benefit of said college.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

Chap. 74. AN ACT TO INCORPORATE YADKIN COLLEGE IN THE COUNTY OF DAVIDSON.

Trustees incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Alson Gray, Henry Walser, A. W. Sineberry, David Weisner, Jordan Reminger, John A. Davis, David Michael, George W. Hege, Benjamin F. Smith, Thomas Pegram, Alexander Robbins, and their successors duly elected, be, and they are hereby made, constituted and declared, a body corporate, in the name and style of the "Trustees of Yadkin College," for the instruction of youth in the various

Corporate title.

branches of science, literature and art, with perpetual succession, with the privileges and immunities and subject to all the restrictions prescribed in chapter 26 of the Revised Code, entitled "Corporations."

SEC. 2. *Be it further enacted*, That the president and professors of said college, by and with the consent of the trustees, shall have power to confer such degrees or marks of literary distinction as are usually conferred by colleges or universities. Power to confer degrees.

SEC. 3. *Be it further enacted*, That it shall not be lawful for any person or persons to set up or continue any gaming or billiard-table, or any device whatever for playing at any game of chance or hazard, or to exhibit any sleight-of-hand, theatrical or equestrian performance, dramatic recitation, rope or wire dancing, or other natural or artificial curiosities, or to receive or use any license to retail spirituous, or otherwise sell, give or convey to the students of said college any intoxicating liquors, within three miles of said college, without the special permission in writing of the faculty of said college. Gaming tables, &c., prohibited.

SEC. 4. *Be it further enacted*, That any person or persons who shall offend against the provisions of the third section of this act shall forfeit and pay the sum of two hundred dollars, to be recovered in any court of record having cognizance of the same,—one-half to the use of the informer, and the other half to the use of the said college. Penalties.

SEC. 5. *Be it further enacted*, That said college shall be located on the site where Yadkin Institute is now located, in the county of Davidson and State of North Carolina. Location of college.

SEC. 6. *Be it further enacted*, That said corporation may take, hold, bargain and sell such real, personal or mixed estate as may be necessary for the transaction of its business and the carrying out the purposes of its creation, not to exceed in value two hundred thousand dollars. Corporate powers.

SEC. 7. *Be it further enacted*, That said college shall go into operation so soon as the trustees shall meet together and elect a president of the board of trustees—a majority of them being present—and accept this charter, unless the same shall be rejected by the Methodist Protestant Conference at its first session after its adoption by the board of trustees. When college to go into operation.

SEC. 8. *Be it further enacted*, That all property belonging to said college, real or personal, shall be exempt from taxation. Property exempt from taxation.

for county or State purposes during its existence. [*Ratified the 22d day of February, 1861.*]

COUNTIES.

Chap. 75. AN ACT TO RESURVEY AND ESTABLISH THE COUNTY LINE BETWEEN THE COUNTIES OF SURRY AND WILKES.

Commissioners
to run line.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Elisha Banner, of the county of Surry, and Fletcher Harris, of the county of Wilkes, be and they are hereby appointed commissioners to run and establish the line between the counties of Surry and Wilkes; and the said line, when so run, shall be deemed and considered the established line between said counties.

Chain carriers.

SEC. 2. *Be it further enacted,* That the said commissioners shall have power to employ chain carriers to aid them in making said survey.

Compensation.

SEC. 3. *Be it further enacted,* That said commissioners shall be allowed two dollars per day for their services, and the chain carriers one dollar per day, to be paid, one-half by the county of Wilkes, and the other half by the county of Surry.

Commissioners
to report.

SEC. 4. *Be it further enacted,* That it shall be the duty of said commissioners to report in full to their respective county courts, the survey of said dividing line between the counties aforesaid, and the same shall be entered on the minutes of said court, and ordered to be registered.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

Chap. 76. AN ACT TO RUN AND ESTABLISH THE DIVIDING LINE BETWEEN THE COUNTIES OF WAYNE AND GREENE.

Commissioners
to run line.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That Benjamin Aycock, J. M. Caho,

Haywood Edmundson and William A. Darden, Jr., be and they are hereby appointed commissioners to run and establish the dividing line between the counties of Wayne and Greene, beginning at the corner in the north prong of Bear Creek (or at a point as near said corner as may be established), and run a north course to Great Contentnea Creek, according to an act of the General Assembly, passed at the session of 1779, entitled an act for dividing the county of "Dobbs," and that the line thus established by said commissioners shall be held and considered as the dividing line between the said counties of Wayne and Greene.

SEC. 2. *Be it further enacted*, That should said commissioners be unable to agree upon said line, that they shall have the power to choose a fifth person, who shall act as an umpire, and the decision of a majority shall be final: *Provided*, A report of said decision be returned to the next term of the court of pleas and quarter sessions, for each of said counties, succeeding the agreement, and confirmed by the same.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

COURTS.

AN ACT TO AUTHORIZE THE HOLDING OF A COURT OF OYER AND *Chap. 77.*
 TERMINER IN CASWELL COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the governor of this State shall issue a commission of oyer and terminer to one of the judges of the superior court of law, to try all slaves that may be now confined in the jail of Caswell county, charged with rape or any other felony, which said court shall be held forthwith; and the judges shall be clothed with all the powers necessary for the trial.

SEC. 2. *Be it further enacted*, That the said court shall be held at Yanceyville under the same rules, regulations, powers and restrictions as govern the courts of oyer and terminer

appointed to try slaves for insurrection, rebellion, or conspiracy.

Jury.

SEC. 3. *Be it further enacted*, That the clerk of the county court, and sheriff, assisted by two justices of the peace, shall draw a jury of thirty-six persons, who shall be summoned by the sheriff, from which shall be made the grand jury and petit jury; and the court shall have power to order a special venire, as in other cases of felony.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of January, 1861.*]

Chap. 78. AN ACT TO RESTORE TO THE COUNTY OF CHEROKEE JURY TRIALS.

Vote of justices
as to jury
trials.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That at the first court to be held in the town of Murphy, Cherokee county, a majority of the justices of said county being present, a vote shall be taken for and against the establishing of jury trials in said county; and if a majority of the justices present shall vote in favor of jury trials, then and in that case the court presiding shall proceed to have the usual numbers of jurors drawn, and the sheriff shall summon the same to be and attend in the town of Murphy, on the first Monday in June next, when and where they may sit, hear and determine all such cases as is [are] now allowed by the laws of North Carolina, to be heard and determined in other counties in this State where the intervention of a jury is necessary.

Time of holding
jury courts.

SEC. 2. *Be it further enacted*, That the jury courts of said county shall be held on the first Monday in June and December in each and every year.

When this act
valid.

SEC. 3. *Be it further enacted*, That none of the provisions of this act shall be valid unless a majority of the acting justices of the peace for Cherokee county shall vote in favor of jury trials in said county.

In case of jury
trials, duty of
superior court
clerk.

SEC. 4. *Be it further enacted*, That in case a majority of the justices of said Cherokee shall vote in favor of jury trials,

then and in that case the clerk of the superior court be, and he is hereby directed to return to the clerk of the county court all such cases, with all papers pertaining to said cases, that have been transferred from the county to the superior court, back to the county court, which shall stand upon the docket of the county court in the same way and manner as they did before the same was transferred to the superior court.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage. [*Ratified the 25th day of February, 1861.*]

AN ACT TO GIVE TO THE COUNTY OF CLEVELAND AN ADDITIONAL SUPERIOR COURT. *Chap. 79.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That in addition to the superior courts now held for the county of Cleaveland, the said county shall have two additional superior courts, to be held on the twelfth Monday after the fourth Monday in March and September in every year. Two extra courts.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT CONCERNING COUNTY COURTS IN THE COUNTY OF COLUMBUS. *Chap. 80.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful hereafter for fourteen justices of the peace, including the special court in and for the county of Columbus, to transact all county and other business which now requires, by law, a majority of all the acting justices to be present. Fourteen justices may transact county business.

SEC. 2. *Be it further enacted*, That nothing herein contained shall be so construed as to prevent all the justices from

acting, whenever present. [*Ratified the — day of February, 1861.*]

Chap. 81. AN ACT TO AUTHORIZE THE HOLDING OF A COURT OF OYER AND TERMINER IN NORTHAMPTON COUNTY.

Governor to
issue commis-
sion.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the governor of this State shall issue a commission of oyer and terminer to one of the judges of the superior courts of law to try the slaves that may be now confined in the jail of Northampton county, charged with the murder of one Lucius Woodroof, late of said county, which said court shall be held forthwith, and the judges shall be clothed with all the powers necessary for their trial.

Where to be
held.

SEC. 2. *Be it further enacted,* That the said court shall be held at the court-house in Jackson, under the same rules, regulations, powers and restrictions as govern the courts of oyer and terminer appointed to try slaves for insurrection, rebellion or conspiracy.

Jury.

SEC. 3. *Be it further enacted,* That the clerk of the county court, and sheriff, assisted by two justices of the peace, shall draw a jury of thirty-six persons, from which shall be made the grand jury and petit jury, who shall be summoned by the sheriff, and the court shall have power to order a special venire as in other cases of felony.

SEC. 4. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 26th day of January, 1861.*]

Chap. 82. AN ACT TO CHANGE THE PLACE OF HOLDING THE COURT OF WARDENS OF NORTHAMPTON COUNTY.

Where court
may be held.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That section 3rd, chapter 86 of the Revised Code, be so altered as to read as follows, to wit: The court of wardens for the county of Northampton shall be held at the court-house, or

at the poor-house of said county, or at either or both of said places, at the office of the court of wardens aforesaid. [*Ratified the 11th day of February, 1861.*]

AN ACT TO REPEAL SO MUCH OF THE 10TH, 11TH, 12TH, 13TH, Chap. 83.
14TH AND 15TH SECTIONS OF 107TH CHAPTER OF THE RE-
VISED CODE AS RELATES TO THE COUNTY OF WASHINGTON.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the 10th, 11th, 12th, 13th, 14th and 15th sections of the 107th chapter of the Revised Code, as relates to the county of Washington, be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO ALLOW LESS THAN A MAJORITY OF MAGISTRATES TO Chap. 84.
TRANSACTION THE COUNTY BUSINESS OF IREDELL AND CHATHAM
COUNTIES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That twenty-one of the acting justices of the peace, in and for the counties of Iredell and Chatham, shall have power to levy taxes, allow claims, elect such officers as courts of pleas and quarter sessions are allowed to elect, and to transact all other county business in and for the counties of Iredell and Chatham, which may now by law require the presence of a majority of all the justices of said counties to transact.

Twenty justices
may transact
county busi-
ness.

SEC. 2. *Be it further enacted,* That all laws and clauses of laws, conflicting with the provisions of this act be, and the same are hereby repealed, so far as their application to the counties of Iredell and Chatham are concerned.

Repealing
clause.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

ELECTIONS.

Chap. 85. AN ACT TO ALTER THE TIME OF OPENING THE POLLS IN ELECTIONS AT THE PRECINCTS OF SALISBURY, WILMINGTON, ASHEVILLE AND LEXINGTON.

Time of opening
polls.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That hereafter, in all elections held at the precincts of Salisbury, in Rowan county, Wilmington, in New Hanover county, Asheville, in Buncombe county, and Lexington, in Davidson county, the polls shall be opened at 8 o'clock, A. M.: Provided, That nothing in this act contained, shall be construed to extend to corporation elections in Salisbury and Asheville. [Ratified the 26th day of January, 1861.]

Chap. 86. AN ACT TO CHANGE THE TIME OF CLOSING THE POLLS OF ELECTIONS IN WASHINGTON COUNTY.

Time of closing
polls.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the first day of March next, it shall and may be lawful to close the polls of elections in the counties of Washington and Rockingham, at 5 o'clock, P. M., instead of sunset, as now required by law. [Ratified the 22d day of February, 1861.]

GAS COMPANIES.

Chap. 87. AN ACT TO INCORPORATE THE CITIZENS' GAS LIGHT COMPANY OF NEWBERNE.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Johnson H. Bryan, T. J. Hughs, A. G. Hubbard, Wm. H. Oliver, Amos Wade, and Wm. H. Peace, and their associates and successors, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Citizens' Gas Light Company of Newberne."*

SEC. 2. *Be it further enacted*, That the said Citizens' Gas ^{Rights, &c.} Light Company shall be entitled to all the rights, privileges, and immunities, and be subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations."

SEC. 3. *Be it further enacted*, That the capital stock ^{Capital stock.} of said company shall be ten thousand dollars, in shares of fifty dollars each, and the same may be increased to the sum of twenty-five thousand dollars, by a majority of the stockholders in said company.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE FAYETTEVILLE GAS LIGHT *Chap. 88.*
COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body politic.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That Archibald McLean, John D. Williams, Ed. J. Hale, Aug's W. Steel, Benj. W. Robinson, Edward L. Pemberton, and George B. Waterhouse, their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Fayetteville Gas Light Company."

SEC. 2. *Be it further enacted*, That the said Fayetteville ^{Rights, &c.} Gas Light Company shall be entitled to all the rights and privileges, and be subject to all the restrictions contained in chapter 26th of the Revised Code, entitled "Corporations."

SEC. 3. *Be it further enacted*, That the capital stock ^{Capital stock.} of said company shall not exceed fifty thousand dollars, in shares of one hundred dollars each, to be paid in such manner as the president and directors of said company shall prescribe.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification, and may continue in force for the term of sixty years. [*Ratified the 20th day of February, 1861.*]

Chap. 88. AN ACT TO INCORPORATE THE GREENSBORO' GAS LIGHT COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Peter Adams, A. P. Eckel, C. P. Mendenhall, and Charles E. Shober, and their associates, successors, and assigns, be, and they are hereby created, a corporation and body politic, in law and in fact, by the name and style of "The Greensboro' Gas Light Company," for the purpose of manufacturing and selling gas for lighting the town of Greensboro' and its vicinity, and fitting up houses for the use and consumption of the same; and by that name may sue and be sued, plead and be impleaded, and shall possess and enjoy for thirty years, all the rights, privileges and immunities of a corporation or body politic in law, and make all rules, by-laws, and regulations, not inconsistent with the constitution of this State, or of the United States, as shall be deemed necessary and judicious for the well-ordering and conducting the affairs of said company.

Powers.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said corporation shall not exceed thirty thousand dollars, in shares of fifty dollars each, to be paid in such manner and under such rules and regulations as the officers of said company shall prescribe.

Officers.

SEC. 3. *Be it further enacted,* That the first meeting of said corporation may be called by the persons named in this act, or either of them, at such time and place as they may agree upon; and at such meeting, the stockholders in said company may elect such officer or officers as they may deem necessary for its purposes, who shall continue in office until their successors shall be elected; and the future meetings of the company may be held at such time and place, and at such intervals as the company, by its by-laws, may determine. And at all meetings of the company, a majority in interest of the stockholders shall control its proceedings, and a majority of the stock represented, in person or by proxy, shall constitute a quorum.

Term of office.

Corporate powers.

SEC. 4. *Be it further enacted,* That the said corporation shall have full power and authority to manufacture, make, and

sell gas of rosin, coal, oil, turpentine, or any other material, in such quantities as may be required in the town of Greensboro' and its vicinity; to fit up houses for the use and consumption of the same; to purchase and hold such lots as may be necessary and convenient for the erection of all such suitable buildings or improvements as may be required in the manufacture of gas, or in the retention or distribution thereof; to erect in such lots all such buildings and improvements as may be necessary or convenient for the purposes aforesaid; to lay pipes or other conductors for conveying gas through, upon, or under, any or all the streets, alleys, or public lots, or squares of the town of Greensboro': *Provided*, Such streets, alleys, public squares, or lots shall be left in as good condition as they were in before the time of laying such pipes or conductors; also, to hold such personal property of any nature or kind whatever as may be necessary in carrying on the business aforesaid. And also, from time to time to repair, reconstruct, maintain and preserve all such works, fixtures, machines, or other property held by them as often as may be required.

SEC. 5. *Be it further enacted*, That if any person or persons, shall wilfully, by any means whatsoever, injure, impair or destroy any conduct pipes, cock, machine, or anything appertaining to the works of said company, the person or persons so offending shall be subject to indictment for a misdemeanor in the superior or county courts of Guilford. Damage to property.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its passage, and shall have a corporate existence for thirty years. [*Ratified the 18th day of February, 1861.*]

INSURANCE COMPANIES.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE *Chap. 89.*
THE ATLANTIC MUTUAL FIRE AND MARINE INSURANCE COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the said company shall hereafter

Corporate name. be known by the name of the "Atlantic Mutual Fire, Marine and Life Insurance Company," and it shall be lawful for said corporation to insure their respective lives, and to make all and every insurance appertaining to or connected with life risks, of whatsoever kind or nature, as well of the sound in health as the infirm and invalid.

Married women may insure own lives.

SEC. 2. *Be it further enacted*, That it shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his assent as her trustee, to cause to be insured for her sole use the life of her husband for any definite period, or for the term of his natural life; and, in case of her surviving her husband, the sum or nett amount of insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors.

Husband may insure own life for benefit of wife.

SEC. 3. *Be it further enacted*, That the husband may insure his own life, for the sole use and benefit of his wife and children, or their guardians (if under age) for her or their own use, free from the claims of the representatives of the husband or any of his creditors.

Insured taken as members.

SEC. 4. *Be it further enacted*, That all persons who shall at any time hereafter insure in or within said corporation, for the whole continuance of life, shall, while they continue so insured, be deemed and taken as members of said corporation, entitled to all the rights and privileges of said corporation: *Provided*, that all receipts of said life department shall be kept separate and distinct from the fire and marine departments, and the directors shall be authorized and empowered to issue certificates of dividends accruing from said receipts, or otherwise dispose of them for the benefit of said members, as they may choose, according to the by-laws of the company.

When policies to be issued.

SEC. 5. *Be it further enacted*, That no life policy shall be issued by this corporation until application be made for insurance for forty thousand dollars at least.

SEC. 6. *Be it further enacted*, That nothing in this act shall be so construed as to affect any rights and privileges granted to the company in the former act of incorporation.

SEC. 7. *Be it further enacted*, That this act shall take effect immediately after its ratification. [*Ratified the — day of —, 1861.*]

MANUFACTURING COMPANIES.

AN ACT TO INCORPORATE "THE BUNCOMBE POWDER MANUFACTURING COMPANY," LOCATED IN BUNCOMBE COUNTY. *Chap. 91.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Nicholas W. Woodfin, William F. McKenan and ——— Crockford be, and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the amount of fifteen thousand dollars, which shall constitute the capital stock of the company hereby incorporated for the purpose of the manufacture of powder. Commissioners appointed.
Capital stock.

SEC. 2. *Be it further enacted,* That the said capital stock shall be divided into shares of one hundred dollars each, and as soon as two thousand dollars shall be subscribed, it shall be the duty of said commissioners, or any one of them, to notify the stockholders, by advertisement, to attend at such time and place as may be designated, and if a majority of the shares subscribed shall be represented at such meeting, then it shall be lawful for the stockholders to appoint a president, treasurer and five directors for the term of one year, and until the next general meeting of the stockholders, and the president and directors, when so appointed, and their successors in office, shall constitute a body corporate and politic in law, by the name and style of "The Buncombe Powder Manufacturing Company," and may sue and be sued, plead and be impleaded, and as such shall have a corporate existence for thirty years, shall have a common seal, and have all other and necessary powers incident to corporate companies, which may be necessary to effectuate the object had in view by this act. Shares—amount of
Officers—term of office.
Corporate title.

SEC. 3. *Be it further enacted,* That said company, at a general meeting of the stockholders, in pursuance of the provisions of the last section of this act, shall fix upon such regulations, in reference to the payment of the stock subscribed and the representation of the same, as they may deem proper, and they shall have power to make all necessary by-laws and regulations, for the government of said company, not inconsistent with the constitution of this State and the United States. Regulations as to payment of stock.

SEC. 4. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 92. AN ACT TO INCORPORATE "THE GREEN SWAMP COMPANY."

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Thos. B. Nichols, Henry B. Short, Wm. Bagley, Levi S. Yates, Samuel Batton, Benjamin M. Richardson, Amos R. Harrell, and D. W. Bagley, and such other person or persons as may hereafter associate with them, they, their successors, associates, heirs, or assigns, be, and they are hereby created a body politic and corporate, under the name and style of "The Green Swamp Company," for the purpose of getting, manufacturing and shipping lumber, farming, merchandizing, owning, buying or selling real or personal estate, or building and improving in either of the counties of Brunswick, Columbus or New Hanover, and by that name they and their successors and associates shall have a common seal, and shall be capable of suing and being sued, plead and being impleaded, in all the courts of this State and the United States.

Powers.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company shall be \$80,000, in shares of \$1,000 each, of which the shares in said company are now owned as follows: Thomas B. Nichols, ten; Henry B. Short, ten; Wm. Bagley, ten; Samuel Batton, ten; Benjamin M. Richardson, fifteen; Levi S. Yates, five; Amos R. Harrell, five; D. W. Bagley, ten; and the heirs of John W. Kieling, five; and the said company may enlarge the capital thereof to two hundred thousand dollars, and may divide the capital into shares of \$100 each, and all the property now owned or hereafter acquired by said company, shall be deemed and held to be personal estate.

Powers of company.

SEC. 3. *Be it further enacted*, That said company shall have power and authority to make any rules, regulations and by-laws for its government, not inconsistent with the laws of the State, to provide for the appointment of officers, directors or laborers of and for said company, the mode of transfer and

representation of stock, the penalties and forfeitures, how to be imposed upon delinquents, and to do any and all other things for the furtherance of said company's objects.

SEC. 4. *Be it further enacted*, That it shall be the duty ^{Duty of company.} of said company to keep a full record of their proceedings in a book provided for the purpose.

SEC. 5. *Be it further enacted*, That the corporation hereby created, shall exist for thirty years, and this act shall be in full force and effect after its ratification and acceptance by two-thirds of the stockholders. [*Ratified the 16th day of February, 1861.*]

AN ACT TO INCORPORATE THE NORTH CAROLINA FIBRE COM- *Chap. 93.*
PANY.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body politic.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That Joseph R. Blossom, Henry Lowe and John Judge, or a majority of them, their associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style of the "North Carolina Fibre Company," with power ^{Powers.} to establish branches, as hereinafter defined, and as such shall have perpetual succession, and may have and use a common seal, and change the same at pleasure, may sue and be sued, plead and be impleaded in any court of law and equity, have power to make all such by-laws and regulations (not inconsistent with this act, or with the laws and constitution of this State, or of the United States,) as may be deemed necessary for the government of said company, which shall be binding thereon, and shall have and enjoy all the rights and privileges of a body corporate, necessary to carry on the business of manufacturing paper stock from any and all fibrous materials, and making therefrom paper and other fabrics, and of transporting and vending their products, and of purchasing and erecting suitable mills and machinery whenever and wherever they may see fit, and also to purchase and hold any and all such patent rights and inventions, or licenses to use the same, and such real estate, mills and machinery as may be useful to

them in their business, and may give in payment thereof any part of their capital stock which may remain untaken at time of such purchase, and have full power and authority to sell and convey any real estate by them held, owned or occupied, with usual covenants of warranty.

Capital stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be divided in such number of shares, and of such amount for each share as the board of directors may direct; and said board may at discretion increase the number of said shares, by declaring, from the net earnings of the company, dividends payable in stock, the proceeds of which (viz., the portion of nett earnings reserved for such purpose,) may be used in extending the business of the company, improving their works, or in such other way as will most benefit the general interest: *Provided*, That the capital stock shall not exceed five hundred thousand dollars, the shares in which, as also in the branches hereinafter mentioned, shall be considered as personal property, and certificates therefor may be issued and the same be made transferable and assignable, and liable to assessment, forfeiture and sale by the board of directors, in such manner as the by-laws of the corporation shall prescribe; and all subscriptions to the capital stock shall be made under the superintendence, and at the discretion of the board of directors for the time being, and the company may go into operation any time after the sum of ten thousand dollars is actually paid in.

Officers.

SEC. 3. *Be it further enacted*, That the property and affairs of said company shall be managed by a board of directors, (one of whom shall be a citizen of this State, who must be a stockholder,) composed of such number, and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of the board of directors; — shall be a quorum to transact business; they shall have power to fill any vacancies that may happen in their body, and appoint and remove at their pleasure such other officers as they may deem necessary; and until the first election of directors shall be held by the stockholders, the said Joseph R. Blossom, Henry Lowe and John Judge shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

SEC. 4. *Be it further enacted*, That meetings of the stock-holders in said company may be called and held as the by-laws shall prescribe. To constitute a meeting, there must be present, in person, or by proxy, (the proxy being a stockholder,) those who hold a majority of the stock, and each stockholder shall be entitled to the number of votes which the by-laws of the company may prescribe: *Provided, however*, That at the first general meeting, each share of stock shall entitle the holder to one vote, and at all meetings every act shall require the sanction of a majority of the votes which may be present.

SEC. 5. *Be it further enacted*, That said company shall have power to establish such branch or branches of its business, at any point or points in this State as the board of directors may see fit, and with such amount of capital as may be deemed necessary: *Provided*, That such capital shall be advanced by the company and by individuals in such proportion as the board of directors may decide, on the payment of which said branch may commence business, and carry on the same in such manner and subject to such regulations as the by-laws of the company, made in pursuance of this act, may prescribe: *Provided, further*, That the certificates issued to individuals, in the capital stock which may be created by the money or capital invested by them for the organization, establishment and carrying on said branch or branches, shall entitle the holders only to their proportion of nett profits declared on the particular business thereof, which shall be plainly expressed in said certificates, and such stockholders shall be interested in and responsible to the extent of their investment for only such contracts and transactions as may be made in reference to the business of such branches respectively.

SEC. 6. *Be it further enacted*, That it shall and may be lawful for said company to guarantee to the holders of stock in any of said branches certain or particular annual dividend on any or all such stock, for one or more years, and for such purpose, said company is hereby authorized to execute its bond to such stockholders, in such manner and at such time as the by-laws may prescribe, when such guarantee shall become and is hereby declared to be a lien on all the profits accruing on the business of said company: *Provided*, That nothing herein shall be construed as giving such a lien the preference over

any creditor of said company at the date of the execution of said bond.

Powers.

SEC. 7. *Be it further enacted*, That said corporation is hereby authorized, in its corporate capacity and name, to make, execute and deliver to any person or persons, trustee and body corporate or politic, bonds, notes, contracts, or agreements, for the payment of money at any rate of interest that may be agreed upon; or for the delivery or purchase of paper, paper stock, chemicals, or other personal property, and to sell and dispose of any such bonds, notes, contract, or agreement, for such price or consideration as the board of directors may see fit, any law on the subject of usury in this State, or any other State where such transactions may be had, to the contrary notwithstanding.

Conveyances of real estate.

SEC. 8. *Be it further enacted*, That all conveyances of real estate by said company shall be signed by the president, and countersigned by the secretary, or other proper officer, and have affixed thereto the corporate seal, and a copy of the resolution of the board authorizing the conveyance, which shall be certified by the secretary of the board and form part of the record, and all deeds so executed, acknowledged and registered according to law, shall be deemed valid and binding in all courts of law and equity whatsoever, any previous act or acts to the contrary notwithstanding.

No banking privileges.

SEC. 9. *Be it further enacted*, That this act shall not be so construed as to give to the said company any banking privileges, or any right to issue notes, payable to order or bearer, for circulation as bank notes, or to exempt the lands and other property of the corporation from taxation, except as hereinbefore provided.

SEC. 10. *Be it further enacted*, That this act shall be favorably construed in all courts and places whatever, and shall be in force for sixty years from and after its ratification. [Ratified this 23rd day of February, A. D., 1861.]

AN ACT TO INCORPORATE THE NORTH CAROLINA SHOE MANUFAC- *Chap. 94.*
TURING COMPANY, IN THE TOWN OF CHARLOTTE.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That William A. Shepard, John A. Young,
William Johnson, James H. Carson, James W. Osborne, Moses
B. Taylor, Joseph H. Wilson and W. R. Myers, a majority of
them, their associates, successors and assigns, are hereby con-
stituted and declared to be a body politic and corporate, by
the name of "The North Carolina Shoe Manufacturing Com-
pany," and by that name shall be capable in law and equity of
purchasing, holding, selling, leasing and conveying estate, real,
personal and mixed, and of acquiring the same by gift or
otherwise, so far as shall be necessary for the purposes em-
braced in their charter, and may sue and be sued by their cor-
porate name, plead and be impleaded in any court of law and Powers.
equity in the State of North Carolina, or any other State hav-
ing competent jurisdiction, and may have and use a common
seal, which they may alter or renew at pleasure.

SEC. 2. *Be it further enacted,* That said corporation shall
have, use and enjoy all the rights, powers and privileges for
manufacturing boots and shoes, either by machinery or other-
wise, together with all other rights and privileges which other
corporate bodies may and do exercise, and which may be
necessary for carrying on said business in the town of Char-
lotte and county of Mecklenburg, N. C.

SEC. 3. *Be it further enacted,* That the capital stock of said Capital stock.
company shall consist of shares, the par value of the whole of
which shall not exceed five hundred thousand dollars, the num-
ber and the value of which shares to be fixed and regulated by
the persons named in the first section of this act, and their asso-
ciates, or a majority of them; and the stock of said company shall
be personal estate, and be transferable in such manner as the
by-laws of said company may direct; and at all meetings of the
stockholders of said company, each stockholder shall have one
vote, either in person or by proxy, for each share held by him.

SEC. 4. *Be it further enacted,* That the affairs of said com- Officers.
pany shall be managed by a board of directors of not less than
three or more than five, as the stockholders may determine,

three of whom shall reside in this State; which board of directors shall be chosen annually by the stockholders, and said directors shall choose one of their number to be president. In the event, however, at any time, that an election of the directors of said corporation shall not be made at the time appointed therefor in any year, the corporation shall not be dissolved, but it shall be lawful at any other time to hold an election for such directors as the by-laws may provide; and upon failure to make such election at the time appointed for the same, the directors then in office shall continue in office until another election is made, and all their acts shall be valid until their successors shall be elected.

Liability.

SEC. 5. *Be it further enacted*, That the stockholders shall be individually liable for all debts due to workmen, officers, and other hands of said corporation.

SEC. 2. *Be it further enacted*, That the rights, powers and privileges hereby granted shall be enjoyed and exercised by said corporation for the term of sixty years, and this act shall be in force and take effect from and after its ratification. [Ratified the 23d day of February, 1861.]

Chap. 95. AN ACT TO INCORPORATE THE TOKAY WINE COMPANY OF FAYETTEVILLE.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That William T. Home, Henry L. Myrover, Nathan A. Stedman and James C. Stedman, and their associates, successors and assigns, be, and they are hereby constituted a body politic and corporate, under the name and style of the "Tokay Wine Company," and shall have succession and a common seal for a period of thirty years from the first day of January, 1861, and as such may sue and be sued, plead and be impleaded, and have and possess all the powers incident to corporations and necessary and proper to carry on the business and effect the objects contemplated by this act.

Corporate name.

Stock.

SEC. 2. *Be it further enacted*, That said corporation may divide their stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said

corporation shall from time to time deem expedient; and in all meetings of stockholders of said corporation, each share shall entitle the holder thereof to one vote; and upon such division of stock, the lands, cellars, presses, houses, fixtures, or other property of any stockholder or stockholders, shall constitute a part, at such price as may be agreed upon between the owner thereof and those who may be associated with him or them, and constitute the aforesaid corporation, by purchasing or subscribing for stock in the same.

SEC. 3. *Be it further enacted*, That the business of said Powers. corporation shall be that of raising and purchasing grapes, and the making and vending of wine, and the other produce of their lands and property; and said corporation shall have power to purchase and hold all such real and personal property as may be required for the convenient transaction of the business of the corporation, and the same to sell and exchange at pleasure: *Provided*, That said corporation shall at no time hold over five thousand acres of land.

SEC. 4. *Be it further enacted*, That said corporation may Officers. transact its business by and under the direction of a board of directors, and such other officers and servants as may be determined by the stockholders, and may make all needful rules and regulations for the government of the same.

SEC. 5. *Be it further enacted*, That said corporation may May establish a trade mark. establish a trade mark, under which they may sell wine by the bottle, package, gallon, pipe or hogshead, and which trade mark may be a paper label, or other device, stamped, graven or moulded, upon wood or glass; and if any person or persons shall assume or vend any other wine than that made or sold by this corporation, under said trade mark, they shall be held liable on damages, to be recovered by said corporation, in any of the courts of law of this State.

SEC. 6. *And be it further enacted*, That this act shall be in force from and after the ratification thereof, and may continue in force for the space of thirty years. [*Ratified the 22d day of February, 1861.*]

MILITIA.

Chap. 96. AN ACT TO AUTHORIZE THE ORGANIZATION OF AN ARMED POLICE FORCE FOR THE DEFENCE OF THE CITIZENS OF THE TOWN OF WASHINGTON.

Intendant may accept volunteers.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the intendant of police of the town of Washington be, and he is hereby empowered to accept the service of such of the residents of said town over the age of forty-five years, as will form themselves into a company, and engage to serve under his orders, or those of a majority of the acting commissioners of the said town, for the safety of the lives and the property of the inhabitants thereof.

Acceptance of members.

SEC. 2. That in order to the formation of the said company, an engagement in writing, made by such persons to serve as members of said company, and by them subscribed, and also the acceptance by the said intendant of all such as do subscribe the same, shall be sufficient to constitute such persons members of the said company, and shall bind each and every of them to serve therein for the term of five years next ensuing the date of such acceptance: *Provided*, such persons do continue to reside in said town.

Members to procure arms.

SEC. 3. It shall be the duty of each member of said company to procure the following arms at least, viz: one good and sufficient musket and bayonet and one pair of belt or horseman's pistols, or one double barrel shot gun, and one pair of said pistols; which said arms, together with twelve rounds of powder and buck-shot cartridges for each barrel of said arms, he shall at all times keep at his residence in good order, and prepared for immediate use upon any and every emergency that may require their use during the term of his service.

Arms to be inspected.

SEC. 4. That the power and authority of the said intendant of police, or of a majority of the acting commissions [commissioners] of said town, shall be and extend to the ordering such officers as shall be chosen by ballot by the members of said company to have a meeting of the members thereof once in every month for the inspection of the arms and cartridges

hereby required, and to perform such duties as are hereinafter mentioned.

SEC. 5. That the said company, a majority of the members Captain. being present, shall have power to elect, and proceed to elect upon an order of the said intendant to that effect, one member to act as captain, and two others to act as lieutenants of the said company, each of whom shall have power to order and direct an inspection of the arms and cartridges, to see that each member is at all times provided therewith, and that the same is kept in readiness in their respective residences; and it shall be the duty of the captain so chosen to notify the said intendant of the persons so chosen as officers of said company.

SEC. 6. Upon an order of the said intendant, or of a ma- Intendant to have power to call out men. jority of said commissioners, issued to the officers of said company, or such of them to whom such order is directed, it shall be their duty to assemble the said company, or such portion of it as they deem necessary, to give assistance to the said intendant or commissioners aforesaid, in case of any conspiracy against the public peace and order of the said town being by him or them apprehended; and the said company, or such portion of them as are detailed therefor, shall promptly render obedience to such order: *Provided*, That no watch, guard or patrol duties shall, on ordinary occasions, be required to be performed by said company.

SEC. 7. That the said company be, and they are hereby em- By-laws. powered to make such by-laws and regulations as shall be by them deemed to be fit and proper for enforcing and carrying into effect the purposes mentioned in this act, and to enforce the same by such penalties and fines as they shall deem proper: *Provided*, the said by-laws [laws] and regulations be not inconsistent with the constitution and laws of this State and the United States.

SEC. 8. That all fines and penalties adjudged against offend- Fines, &c. ers against the provisions of this act, or any by-law or regulation adopted by the said company, shall be cognizable and determinable by the intendant of police for the said town, and be recoverable in the name of said intendant, and payable into the town treasury.

SEC. 9. That the pistols worn upon their persons, and used

by the members of said company, be, and the same are exempt from taxation. [*Ratified the 25th day of February, 1861.*]

Chap. 97. AN ACT TO INCORPORATE THE "GRANVILLE INDEPENDENT GREYS."

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the company of volunteer infantry, in the county of Granville, commanded by Captain George L. Wortham, be, and the same is hereby incorporated by the name and style of the "Granville Independent Greys," and shall have full powers and authority to make such by-laws, not inconsistent with the constitution and laws of this State, or of the United States, as they may deem necessary for the proper regulation of the company.

Fines.

SEC. 2. *Be it further enacted,* That all fines and amercements which shall be collected by said company, shall enure to the use of the same.

Length of service to exempt.

SEC. 3. *Be it further enacted,* That after a faithful discharge of the duty of such company for the term of twelve years, by a regular drill at least six times in each year, the members thereof shall be exempt from militia duty, except in case of insurrection or invasion.

SEC. 4. *And be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

Chap. 98. AN ACT TO INCORPORATE THE "INDEPENDENT GRAYS," THE "TOPSAIL RIFLEMEN," THE "FRANKLIN RIFLES," "ALBEMARLE GUARDS," AND THE "SHARON RIFLEMEN."

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the company of infantry in the town of Elizabeth city, commanded by J. T. P. C. Cohoon, known as the "Independent Grays;" the "Topsail Rifle-

men," commanded by Stephen D. Pool; the "Franklin Rifles," commanded by Wm. F. Green; "Albemarle Guards," commanded by T. L. Skinner, and the "Sharon Riflemen," commanded by Caleb Norwood, be, and the same are hereby constituted and declared to be bodies politic and corporate, by the above mentioned names, and shall have all the powers, Powers, &c. privileges and immunities, and be subject to all the liabilities, usually incident to bodies of a like nature.

SEC. 2. *Be it further enacted*, That all moneys collected Fines, &c. by authority of this act, shall inure to the sole use and benefit of the said companies.

SEC. 3. *Be it further enacted*, That these companies shall Parades. be mustered for drill and parade at least six times every year, and go into encampment at least two days every year.

SEC. 4. *Be it further enacted*, That all persons who may become members of these companies, and serve in them for the space of ten years, shall be exempt from military duty, except in cases of war, insurrection, or invasion.

SEC. 5. *Be it further enacted*, That the provisions of the bill to incorporate the "Independent Grays," "Albemarle Guards," "Topsail Riflemen," "Franklin Rifles, and "Sharon Riflemen," be and the same are hereby extended to the military company known as the "Cape Fear Riflemen," commanded by Captain William S. Anderson; to the "Burke Mounted Riflemen;" the "Cleaveland Guards;" "Cabarrus Guards," "The Black Boys," both in Cabarrus county; "Old Topsail Rifles;" "Northampton Home Guards;" the "Yanceyville Grays," commanded by John A. Graves; the "Rocky Mount Cavalry;" the "State Guards of Pasquotank," commanded by W. F. Martin, and the "Junaluska Zouaves," and "Jackson Rifle Company." Extension of provisions.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE "BUNCOMBE RIFLEMEN." *Chap. 99.*

SECTION 1. *Be it enacted by the General Assembly of the* Body corporate. *State of North Carolina, and it is hereby enacted by the authority of the same, That W. W. McDowell, W. M. Hardy,*

Powers.

Fines.

Patrol.

Service to
exempt.

Thomas L. Clayton and J. M. Israel, and their associates and successors, be, and they are hereby constituted and appointed a body corporate and politic, under the name and style of the "Buncombe Riflemen," and as such shall have continual succession, sue and be sued, plead and be impleaded, contract and be contracted with, and have a common seal. Said corporation may adopt such constitution and by-laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States, or of this State; and that all fines and amercements, imposed by a court-martial of said company, shall be placed in the hands of any constable selected by said company, and collected in the same manner as amercements and fines issuing from a court of civil jurisdiction.

SEC. 2. *Be it further enacted*, That it shall be the duty of the captain of said company to detail a force of four members of said company, whose duty it shall be to patrol the said town of Asheville, at such times as the captain may direct.

SEC. 3. *Be it further enacted*, That members of said company, after serving in said company for the space of five years, shall thereafter be exempt from military duty, except in cases of invasion or insurrection.

SEC. 4. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be, and the same are hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 19th day of February, 1861.*]

Chap. 100. AN ACT TO INCORPORATE THE ORANGE LIGHT INFANTRY.

Body corporate.

Powers.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the volunteer company in the town of Chapel Hill, commanded by Captain R. J. Ashe, be, and the same is hereby incorporated and made a body corporate and politic, by the name and style of "Orange Light Infantry," and shall by that name and style [shall] have succession, and be able and capable to sue and be sued, plead and be impleaded, in any court in the State; and may adopt such constitution,

by-laws, rules and regulations for their good government as they may deem proper, not inconsistent with the constitution and laws of the United States, or this State.

SEC. 2. *Be it further enacted*, That all fines and amerce- ^{Fines.}ments that may be imposed and collected by said company from its members, shall inure to its own uses and benefits.

SEC. 3. *Be it further enacted*, That all persons who can ^{Service to} produce a certificate from the orderly sergeant, countersigned ^{exempt.} by the captain of said company, setting forth continuous membership for seven consecutive years, shall be exempt from military duty, except in case of invasion or insurrection.

SEC. 4. *Be it further enacted*, That in time of peace said company shall be subject to the orders of its own officers only, or the orders of the governor of the State.

SEC. 5. *Be it further enacted*, That this act shall take effect from the day of its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE WILMINGTON HORSE ARTILLERY *Chap. 101.*
COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* ^{What to form} *State of North Carolina, and it is hereby enacted by the au-* ^{company.} *thority of the same*, That there may be formed in the county of New Hanover a troop of horse artillery, to consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one quarter-master sergeant, one color sergeant, three sergeants, four corporals, two artificers, one saddler, one farrier, two buglers, and not exceeding one hundred privates; which troop, when formed, shall be and is hereby invested with corporate powers to them and their successors, in the name and style of the "Wilmington Horse Artillery Troop," with power to make all necessary rules, by-laws and regulations for its own government, and to do, perform and contract in all ways whatever within the scope and intent of this charter.

SEC. 2. *Be it further enacted*, That said troop shall be ^{Drill.} armed, equipped and drilled as riflemen, cavalry and artillery.

SEC. 3. *Be it further enacted*, That whenever thirty names ^{When formed.} shall be enrolled, the said troop shall be considered as formed,

Officers.

and they may proceed to the election of all proper officers, agreeably to their own by-laws and regulations; that the captain and lieutenants shall receive their commissions from the governor of the State, and the non-commissioned officers their warrants from the captain of the troop; the captain of the troop certifying the governor of its enrollment and formation as aforesaid.

Arms to be furnished by State.

SEC. 4. *Be it further enacted*, That whenever the said troop shall be formed, commissioned, and properly and fully uniformed, upon application to the governor, he shall, at the expense of the State, procure and furnish to said troop the proper arms, accoutrements, sabres, pistols, carbines or rifles, and a battery of six pounder brass guns, not to exceed six in number, with all carriages, harness and appendages thereto appertaining. The captain or other members of said troop to give to the governor a bond, with good securities, for the safe keeping and re-delivery of the said articles on demand.

Command.

SEC. 5. *Be it further enacted*, That the captain of said troop and all the members thereof shall be directly subordinate to the chief of artillery to the State, and shall be subject to the orders of and make their reports and returns to that officer; and if there be no such officer, then to the adjutant general of the State.

Subject to call of governor.

SEC. 6. *Be it further enacted*, That the members of said troop shall be exempt from militia duty, but shall be subject to a call of the governor, in the service of the State, equally with the other volunteer companies of North Carolina.

SEC. 7. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 102. AN ACT TO INCORPORATE THE VOLUNTEER COMPANY IN THE TOWN OF KENANSVILLE, DUPLIN COUNTY.

Body corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the volunteer company in the town of Kenansville, commanded by John J. Whitehead, be, and the same is hereby incorporated and made a body corporate and

politic, by the name and style of the "Duplin Riflemen," and by that name and style shall have succession, and shall be able and capable to sue and be sued, plead and be impleaded ^{Powers.} in any court in this State, and may adopt such constitution and by-laws, rules and regulations for their government as they may deem proper, not inconsistent with the constitution and laws of the United States, or of this State, and that all fines and amercements imposed and collected by said company, shall enure to the use and benefit of said company.

SEC. 2. *Be it further enacted*, That the members of said company, while they continue to act as members of said company, shall be exempt from serving on juries in the county and superior courts, and from working on the public roads. ^{Exemption from jury and road duties.}

SEC. 3. *Be it further enacted*, That members of said company, after serving in said company for the space of seven years, shall thereafter be exempt from military duty, except in case of invasion or insurrection. ^{Service to exempt.}

SEC. 4. *Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of this act be, and the same are hereby repealed, and this act shall go into effect from and after its ratification. [*Ratified the 18th day of February, 1861.*]

MINING COMPANIES.

AN ACT TO INCORPORATE THE CHATHAM MINING COMPANY. *Chap. 103.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John Wilkes, Lawrence P. Bayne, and Charles Wilkes, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name, style and title of "The Chatham Mining Company," for the purpose of exploring, working and mining for copper and other metals and minerals, and for mining, smelting and vending the same; and shall enjoy all the privileges and powers incident to mining corporations in this State, and may also purchase, hold and convey real and ^{Body corporate.}

personal estate to an amount not exceeding the value of one million of dollars.

By-laws.

SEC. 2. *Be it further enacted*, That the first meeting of said corporation may be called by the parties herein named at such time and place as may be agreed upon by them, and at such and all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not inconsistent with the constitution and laws of the State and the United States.

Stock.

SEC. 3. *Be it further enacted*, That the capital stock of said corporation shall not exceed one million of dollars, which may be divided into such shares, and sold and transferred in such manner and form as said corporation may deem expedient; and said corporation may declare and pay dividends in such manner as their by-laws may direct.

Legal representatives.

SEC. 4. *Be it further enacted*, That two of the directors of said company shall always be residents of the State of North Carolina, and that service on them, any director or officer of said company, shall be valid and sufficient in law and equity for process and proceeding returnable before any judicial tribunal in this State; and it shall be the duty of the directors of said company to have regular books of record and transfer kept by the secretary or treasurer thereof, and at all times open to the inspection of stockholders, or any one of them.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its passage, and continue in full force for the term of thirty years. [*Ratified the 19th day of February, 1861.*]

Chap. 104. AN ACT TO INCORPORATE VALLEY RIVER MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That William Warne, D. T. Ramsour and E. Dimmoch, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Valley River Mining Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for

mining, vending, smelting and working the same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend ^{Powers.} in any court of law or equity whatsoever, and in all suits and actions, contracted [contract] and be contracted with, and may have and use a common seal and the same alter at pleasure; and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metal or chemicals; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not to exceed one million dollars.

SEC. 2. *Be it further enacted*, That the said corporation ^{Stock.} may divide their stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeitures, and sell delinquent shares in such manner as the by-laws may direct; and shall issue scrip for the shares of stock; and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for ^{Directors.} the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for the aforesaid W. Warne, D. T. Ramsour, and E. Dimmoch to manage the affairs of said corporation as directors, until others are elected or appointed; shall meet and organize by choosing from their own body a president and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and this act shall be in force from its passage. [*Ratified the 20th day of February, 1861.*]

Chap. 105. AN ACT TO INCORPORATE THE CARROLTON COPPER MINING COMPANY OF BALTIMORE.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That E. B. Wilder, F. H. Gruphy, Adam Dermead, Charles Hatch, W. J. McConnell and Wm. B. Tyson, and their associates, successors, and assigns, are hereby created and constituted a body politic and corporate, by the name, style, and title of the "Carrolton Copper Mining Company," for the purpose of exploring for copper, gold, lead, iron and other metals or minerals, and for mining, vending, smelting and working the same; and by this name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a common seal, and the same alter at pleasure; and may enjoy all the privileges incident to mining corporations, and may hold, purchase and convey real and personal estate to an amount not exceeding two millions of dollars.

Powers.

By-laws.

SEC. 2. *Be it further enacted,* That the first meeting of said corporation may be called by the persons named in this act, or any two of them, at such time and place as they may agree upon, and at such meeting, and all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of the said corporation as a majority of the stockholders may direct, not repugnant to the constitution and laws of this State and of the United States.

Books to be kept.

SEC. 3. *Be it further enacted,* That it shall be the duty of the directors of said company (two of whom shall reside continually in this State) to have regular books of record and transfer, kept by the secretary or the treasurer thereof, at all times open to the inspection of the stockholders.

Stock.

SEC. 4. *Be it further enacted,* That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws may direct.

SEC. 5. *Be it further enacted*, That the corporation shall exist for thirty years, and this act [shall] be in force from and after its passage. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE THE DAVIDSON COPPER MINING COM- *Chap. 106.*
PANY.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Samuel Sutton Clayton, Thomas C.
Harris, Jos. Wilkins, Patrick Henry Sullivan, Thos. W. Hall,
jr., and John Endey, their associates, successors and assigns, are
hereby created and constituted a body politic and corporate,
by the name, style and title of the "Davidson Copper Mining
Company," for the purpose of working, mining and exploring Powers.
for copper, lead, gold, silver, and other metals and minerals, and
for mining, vending, smelting and working the same; and by
that name may sue and be sued, plead and be impleaded,
appear, prosecute, and defend in any court of law or equity
whatsoever in all suits and actions; may have a common seal
and the same alter at pleasure; and may enjoy all the privi-
leges and powers incident to mining, smelting and manufac-
turing corporations; may purchase, hold, and convey real and
personal property or estate, as capital stock, to the amount of
one million of dollars; may divide such capital stock into such
number of shares, and provide for the sale and transfer thereof
in such manner and form as the said corporation may from
time to time deem expedient; may levy and collect assess-
ments, and forfeit and sell delinquent shares, and make and
enact such by-laws and regulations as they may deem necessary,
not inconsistent with the laws of this State and of the United
States.

SEC. 2. *Be it further enacted*, That it shall be lawful for Powers.
the affairs of said corporation to be managed by three or more
directors, two of whom at least shall be citizens of the State of
North Carolina, who shall be chosen annually—shall have
power to fill vacancies in their own body, shall continue in
office until others are elected or appointed in their stead, and
shall exercise all such powers as by this act are granted and
conferred.

Powers.

SEC. 3. *Be it further enacted*, That the said Samuel Sutton Clayton, Thomas C. Harris, Joseph Wilkins, Patrick Henry Sullivan, Thomas W. Hall, jr. and John Endey, or a majority of them, shall meet and organize by choosing from their own number a president, appoint a secretary and other servants and agents; make such by-laws as for the time being they shall deem expedient, and manage the affairs of the corporation as directors, until others are selected or appointed in their stead.

SEC. 4. *Be it further enacted*, That the said corporation shall exist for thirty years, and this act shall be in force from its passage. [*Ratified the 15th day of February, 1861.*]

Chap. 107. AN ACT TO INCORPORATE THE SILVER VALLEY MINING COMPANY IN THE COUNTY OF DAVIDSON.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Thomas W. Hall, jr., Thomas C. Harris, S. S. Clayton, Benjamin F. Tallmadge and Joseph Wilkins, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style of the "Silver Valley Mining Company," for the purpose of working, mining and exploring for silver, gold, lead, copper, iron and all other metals and minerals, and for mining, vending, smelting and working the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges and powers incident to mining and smelting corporations, and may also purchase, hold and convey, any real and personal property or estate as capital stock, to the amount of one million of dollars.

Powers.

Stock.

SEC. 2. *Be it further enacted*, That the said corporation may divide their stock into such number of shares and may provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares, and may make, alter and repeal such by-laws and regulations as said

corporation may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for ^{Powers} the said corporation to be managed by three or five directors, two of whom at least shall be residents of this State, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and shall exercise all such rights as by this act are conferred and granted; but the stockholders shall have the right to elect said directors annually.

SEC. 4. *Be it further enacted*, That the aforesaid Thomas ^{Directors.} W. Hall, jr., Thomas C. Harris, S. S. Clayton, Benjamin F. Tallmadge and Joseph Wilkins shall manage the affairs of said corporation as directors until others are elected or appointed.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and that this act shall be in force from and after its ratification. [*Ratified the 15th day of February, 1861.*]

AN ACT TO INCORPORATE THE GIBSON HILL MINING COMPANY, *Chap. 108.*
IN THE COUNTY OF GUILFORD.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body politic.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That Francis A. Garrett, Obed C. Anthony, Samuel P. Heir, James W. Dick, James M. Garrett, Joseph C. Manning and D. P. Heir, and their associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style of the "Gibson Hill Mining Company," for the purpose of ^{Powers.} working, mining and exploring for gold, copper and all other metals, minerals and ores; for mining, smelting, working and vending the same; and by that name [may] sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity; contract and be concluded with; and may have and use a common seal, and alter the same at pleasure; and may enjoy all the rights, privileges and powers necessary or incident to mining, smelting, manufacturing and vending metals or chemicals; and may also purchase, hold, sell, mort-

gage, bind or convey real or provisional [personal] property or estate, with a capital not to exceed one million dollars.

Stock.

SEC. 2. *Be it further enacted*, That said corporation may divide their stock into such number of shares of not less than five dollars value, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeits, and sell delinquent shares in such manner as the by-laws may direct; and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in the meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the constitution of this State and the United States.

Directors.

SEC. 3. *Be it further enacted*, That it shall be lawful for the corporation to be managed by three or five directors, two of whom shall be actual residents of this State, who shall continue in office until others are regularly elected or appointed, and exercise all such rights and powers as by this act is granted; but the stockholders shall have the right to elect said directors annually.

SEC. 4. *Be it further enacted*, That this corporation shall exist for thirty years, and this act shall be in force from and after its ratification. [*Ratified this 31st day of January, A. D. 1861.*]

Chap. 109.

AN ACT TO INCORPORATE "THE GARDNER VALLEY."

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That Henry E. Johnston, Franklin Osgood, John Gilmer, and their associates, successors and assigns, are hereby created and constituted a body corporate and politic, by the name, style and title of "The Gardner Valley," for the purpose of exploring for copper, lead, gold, iron and other metals and minerals, and for mining, vending and smelting the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any courts of law and equity whatsoever in all suits and actions; may have a

Powers.

common seal and the same alter at pleasure, and may enjoy all privileges incident to mining corporations; and may purchase, hold and convey real and personal estate to an amount not exceeding two millions of dollars.

SEC. 2. *Be it further enacted*, That the first meeting of said corporation may be called by the persons named in this act, or any of them, at such time and place as they may agree upon; and at such meetings, and at all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of said corporation as a majority of the stockholders may direct, not repugnant to the laws of this State or of the United States. By-laws, &c.

SEC. 3. *Be it further enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as the by-laws shall direct. Stock.

SEC. 4. *Be it further enacted*, That it shall be the duty of the directors of said company, a majority of whom shall reside continually in the State, to have regular books of record and transfer thereof at all times open to the inspection of the stockholders. Duty of directors.

SEC. 2. *Be it further enacted*, That this corporation shall be in force thirty years, and this act shall continue in force from and after its passage. [*Ratified this — day of December, 1860.*]

AN ACT TO INCORPORATE THE VALLEY RIVER GOLD MINING AND AQUEDUCT COMPANY OF CHEROKEE COUNTY. Chap. 110.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Elisha Hathaway, G. W. Coffin, Hezekiah Kelley, and their associates, successors and assigns, are hereby created and constituted a body corporate, by the name and style of the "Valley River Gold Mining and Aque- Body corporate.

Powers.

duct Company," for the purpose of exploring for gold, silver and other metals and minerals, and for mining, vending, smelting and working the same, and also for the purpose of turning the waters of Vengeance and Taylor's creeks and their tributaries, in said Cherokee county, by ditches or aqueducts of any kind, so as to be used for mining purposes, according to the process known as the hydraulic mining process; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever in all suits and actions; may have a common seal and the same alter at pleasure, and may enjoy all the privileges incident to mining corporations; and may purchase, hold and convey real and personal estate to an extent not exceeding one million of dollars.

Powers.

SEC. 2. *Be it further enacted*, That said company shall have the right to conduct the waters of said Vengeance and Taylor's creeks, and their tributaries, by means of ditches, canals and aqueducts, through and over all such land as may be necessary, in order to accomplish said mining purposes, and to make such dams, ditches, &c., as the security and permanence of said work may require: *Provided*, Said company shall pay the owners of any and all lands so used such damages as said land owners and said company may agree upon.

Right of way.

SEC. 3. *And be it further enacted*, That if the owners of said land over which it may become necessary for said company to conduct said water, and upon which to construct said dams, ditches, &c., and said company shall fail to agree upon the amount of damages sustained or contemplated, then, upon application of said company, and after five days' notice that said application will be made, the sheriff of said Cherokee county shall summon three freeholders of said county, upon the warrant of the clerk of the county court; said freeholders thus summoned shall be sworn by the sheriff, on the premises without unnecessary delay, fairly to estimate and award such damages, and shall enter upon and view such land, and assess and award the same in writing, the concurrence of any two in an award being sufficient; said award being thus made, shall be returned to be filed and recorded in the clerk's office of the county court of said county, and the payment or tender of the damages thus assessed by said company shall vest in it

all the rights contemplated by the several sections of this act: *Provided*, That if either party shall be dissatisfied with said award, the dissatisfied party may, within ten days after the same is filed in said clerk's office, enter an appeal therefrom, which appeal shall be tried before a jury at the next succeeding term of the superior court; and *Provided, also*, That said company shall have the right, pending such appeal, upon filing in said clerk's office its bond, with satisfactory security, to pay all such damages as may be finally assessed, to prosecute its works through and upon the land necessary to be used as aforesaid: *And be it further enacted*, That said commissioners shall be entitled to two dollars per day while engaged in assessing the damages, and that the clerk of the county court shall receive for recording the same the sum of one dollar—these expenses to be paid by the company.

SEC. 4. *And be it further enacted*, That if said company, Right of way. in the prosecution of the work contemplated by this act, shall find it necessary to pass over, use and appropriate any lands the owner or owners of which are to them unknown, or any lands belonging to the State, said company shall have the right to enter upon and use said lands, and if the owner or owners should afterwards present their claims for damages, the same shall be assessed and paid as provided in the third section of this act, said freeholders basing the award upon the condition of said land prior to the improvements of said company thereon, and said damages and value shall in no event be enhanced or increased thereby.

SEC. 5. *And be it further enacted*, That if any person or Damage to company's works. persons shall willfully and maliciously destroy or in any manner hurt, damage, injure or obstruct, or shall counsel, aid, assist or advise any person or persons in any manner to hurt, damage, injure or obstruct said works, or any of the appurtenances or appendages thereto belonging or appertaining, such person or persons so offending shall be liable to be indicted for Penalty. a misdemeanor, and, on conviction, shall be fined or imprisoned in the common jail of said county, at the discretion of the court, and shall further be liable to the company for said trespass.

SEC. 6. *Be it further enacted*, That the first meeting of First meeting. said corporation may be called by the persons named in this

act, or any two of them, at such time and place as may be agreed upon by them, and at such meeting, and at all other meetings legally notified, said corporation may make, alter and repeal such by-laws and regulations for the management of the business of the said corporation as the stockholders representing a majority of the stock, either in person or by proxy, may direct, not repugnant to the laws of this State or those of the United States.

Stock.

SEC. 7. *Be it further enacted*, That the said corporation may divide their original stock into such number of shares, and provide for the sale and transfer thereof in such manner or form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeit and sell delinquent shares, and declare and pay dividends on the shares.

Books to be kept.

SEC. 8. *Be it further enacted*, That it shall be the duty of the directors of said company, two of whom shall reside in this State, to have regular books of record and transfer, kept by the Secretary or Treasurer thereof, at all times open to the investigation of the stockholders.

SEC. 9. *Be it further enacted*, That this corporation shall exist for thirty years, and this act to be in force from and after its passage. [*Ratified the 18th day of February, 1861.*]

Chap. 111. AN ACT TO INCORPORATE CHEROKEE MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That M. Fain, E. J. Fain and T. J. Craft, and their successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Cherokee Mining Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever and in all suits and actions, contract and be

Powers.

contracted with, and may have and use a common seal, and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metals or chemicals; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not to exceed six hundred thousand dollars.

SEC. 2. *Be it further enacted*, That the said corporation^{Stock.} may divide their stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeits, and sell delinquent shares, in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for^{Directors.} the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for^{Directors.} the aforesaid M. Fain, T. J. Craft and E. J. Fain to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and this act shall be in force from its passage. [*Ratified 23rd day of February, 1861.*]

Chap. 112. AN ACT TO INCORPORATE THE CONUAGAH MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That William Warne, W. H. Calhoun, Joseph Nash, Wm. N. Bilbo and James H. Warne, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Conuagah Mining Company," for the purpose of working, mining and exploring [for] gold, silver, copper and all other minerals, and for mining, vending, smelting and working the same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatever and in all suits and actions, contract and be contracted with, and may have and use a common seal and the same alter at pleasure; and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending the same; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not exceeding one million of dollars.

Powers.

Stock.

SEC. 2. *Be it further enacted,* That the said corporation may divide the stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeits, and sell delinquent shares, in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

Directors.

SEC. 3. *Be it further enacted,* That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own numbers, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That it shall be lawful for ^{Officers.} the aforesaid Wm. Warne, Wm. H. Calhoun, Joseph Nash, William N. Bilbo and J. H. Warne to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for sixty years, and this act shall be in force from its passage. [*Ratified the 12th of day February, 1861.*]

AN ACT TO INCORPORATE CAROLINA GOLD AND COPPER COMPANY. *Chap. 113.*

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body politic.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That E. Dimmock, D. F. Ramsour, W. Warne and T. J. Craft, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "North Carolina Gold and Copper Company," for the purpose of working, mining and exploring for gold, copper and all other metals and minerals, and for mining, vending, smelting and working the same, and for working and manufacturing; and by that ^{Powers.} name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law and equity whatsoever and in all suits and actions, contract and be contracted with, and may have and use a common seal, and the same alter at pleasure, and may enjoy all the rights and privileges and powers necessary or incident to mining, smelting, manufacturing and vending of metals or chemicals; and may also purchase, hold, sell, mortgage, bond or convey real and personal property or estate, with a capital not to exceed one million of dollars.

SEC. 2. *Be it further enacted*, That the said corporation ^{Stock.} may divide their stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient, and may levy and collect assessments, forfeitures, and sell delin-

quent shares, in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of the stockholders; and also said corporation shall have power to enact such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

Directors.

SEC. 3. *Be it further enacted*, That it shall be lawful for the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own number, pass and enact or amend by-laws, and shall continue in office until others are regularly elected or appointed, and also to exercise all such rights and powers as by this act are granted; but the stockholders shall have the right to elect said directors annually, two of whom shall be actual residents of this State.

Officers.

SEC. 4. *Be it further enacted*, That it shall be lawful for the aforesaid E. Dimmock, D. F. Ramsour, W. Warne and T. J. Craft to manage the affairs of said corporation as directors until others are elected or appointed; shall meet and organize by choosing from their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years, and that this act shall be in force from its passage. [*Ratified the 22nd day of February, 1861.*]

Chap. 114. AN ACT TO RELEASE AND REMIT ANY PENALTIES OR FORFEITURES INCURRED BY THE CORPORATION CREATED BY ACT ENTITLED "AN ACT TO INCORPORATE THE LAGRANGE MINING, MANUFACTURING AND TRANSPORTATION COMPANY."

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That any and all penalties or forfeitures incurred by the corporation or body politic created by an act of the General Assembly passed at the session of 1850-51, entitled "An act to incorporate the Lagrange Mining, Manufacturing and Transportation Company," be, and the same are hereby remitted and released.

SEC. 2. *Be it further enacted*, That any organization by said corporation in the State of New York which would have been a legal and effectual organization of said company under said act of incorporation and the laws of this State, except as to the time thereof, be, and the same is hereby declared to be as good and effectual to all intents and purposes, without regard to the time thereof, as if the said organization had taken place in this State, and within the time specified by law. Organization in New York.

SEC. 3. *Be it further enacted*, That said corporation shall continue to exercise the corporate privileges and powers heretofore granted by said act of incorporation, and shall hereafter be subject only to such penalties and forfeitures as would attach to a corporation created by like acts of incorporation passed at the present session of the General Assembly. Corporate privileges.

SEC. 4. *Be it further enacted*, That this act shall be in force from and immediately after its ratification. [*Ratified the 25th day of February, 1861.*]

AN ACT TO INCORPORATE THE LINCOLN COPPER AND GOLD MINING COMPANY. *Chap. 115.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Henry Cansler, John F. Hoke, Francis Hoke, Daniel Seagle and Wm. J. Hoke, and their associates, successors and assigns, be, and they are hereby created and constituted a body corporate and politic, by the name and style of the "Lincoln Copper and Gold Mining Company;" and as such shall and may have and use a common seal, and change the same at pleasure; may sue and be sued, plead and be impleaded in any court of law and equity; have power to make all such by-laws and regulations, not inconsistent with the laws and constitution of this State, as may be deemed necessary for the government of said company, which shall be binding thereon; and shall have, exercise and enjoy all the rights and privileges of a body corporate necessary to carry on the business of mining, smelting and manufacturing, and of transporting and vending their products; and Body politic. Powers.

shall have the power to purchase, lease, hold, dispose of and convey any estate, real, personal or mixed.

Stock.

SEC. 2. *Be it further enacted*, That the capital stock of said company may be divided into such number of shares, and of such amount for each share as the stockholders thereof may in general meeting direct: *Provided*, That the capital stock shall not exceed three hundred thousand dollars, which shares shall be considered as personal property, and certificates therefor may be issued, and the same be made transferable and assignable, and liable to assessment, forfeiture and sale by the board of directors, in such manner as the by-laws of the corporation shall prescribe.

Directors.

SEC. 3. *Be it further enacted*, That the affairs of the said company shall be managed by a board of directors, who must be stockholders, composed of such number and elected by the stockholders in such manner as the by-laws shall direct, and they shall choose one of their number to be president of the board and of the company; three of the board of directors shall be a quorum to transact business, of whom the president, or one appointed by him to fill his place, shall always be one; they shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be held by the stockholders, the said Henry Cansler, John F. Hoke, Francis Hoke, Daniel Seagle and William J. Hoke shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe; to constitute a meeting, there must be present, in person or by proxy, (the proxy being a stockholder,) those who hold a majority of the stock, each share of which shall entitle the holder to one vote, and every act shall require the sanction of a majority of the votes which may be present.

SEC. 5. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [*Ratified the 20th day of February, 1861.*]

AN ACT TO INCORPORATE CONCORD COPPER MINING COMPANY. *Chap. 116.*

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That George C. Irwin, John L. Donnel,
 W. J. McConnel, L. G. Coffin, R. C. Hoffman, and their asso-
 ciates, successors and assigns, be, and they are hereby created
 and constituted a body corporate and politic, by the name and
 style of the "Concord Copper Mining Company," and as such Powers.
 shall have perpetual succession, and may have and use a common
 seal and change the same at pleasure, may sue and be sued,
 plead and be impleaded in any court of law and equity; have
 power to make all such by-laws and regulations, not inconsis-
 tent with [the] laws and constitution of this State and the
 United States, as may be deemed necessary for the government
 of said company, which shall be binding thereon, and shall
 have, exercise and enjoy all the rights and privileges of a
 body corporate, necessary to carry on the business of mining,
 smelting and manufacturing, and of transporting and vending
 their products; and shall also have the power to purchase,
 lease, hold, dispose of and convey any estate, real, personal or
 mixed: *Provided,* That the said company shall at no time
 hold more than two thousand acres of land.

SEC. 2. *Be it further enacted,* That the capital stock of Stock.
 said company may be divided into such number of shares, and
 of such amount for each share, of not less than five dollars, as
 the stockholders thereof may in general meeting direct: *Pro-*
vided, That the capital stock shall not exceed one million of
 dollars, which shares shall be considered personal property,
 and certificates therefor may be issued, and the same be made
 transferable and assignable, and liable to assessment, for-
 feitures and sale by the board of directors, in such manner as
 the by-laws of the corporation shall prescribe.

SEC. 3. *Be it further enacted,* That the affairs of said com- Directors.
 pany shall be managed by a board of directors, two at least of
 whom shall reside in this State, who must be stockholders,
 composed of such number and elected by the stockholders in
 such manner as the by laws may direct, and they shall choose
 one of their number to be president of the board and of the
 company. Three of the board of directors shall be a quorum to

transact business, of whom the president, or one appointed by him to fill his place, shall always be one. They shall have power to fill any vacancy that may happen in their body, and until the first election of directors shall be held by the stockholders, the said George C. Irwin, John L. Donnel, W. J. McConnel, L. G. Coffin, R. C. Hoffman shall constitute the board of directors of said company, with full power and authority to exercise all the corporate powers thereof.

Meetings.

SEC. 4. *Be it further enacted*, That general meetings of the stockholders in said company may be called and held as the by-laws shall prescribe. To constitute a meeting there must be present, in person or by proxy—the proxy being a stockholder—those who hold a majority of the stock, each share of which shall entitle the holder to one vote, and any act shall require the sanction of a majority of the votes which may be present.

No banking
privileges.

SEC. 5. *Be it further enacted*, That this act shall not be so construed as to give to said company any banking privileges, or any right to issue notes payable to bearer or order for circulation as bank notes, or to exempt the land and other property of the corporation from taxation.

SEC. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and shall continue in force for the period of thirty years. [*Ratified the 22d day of February, 1861.*]

Chap. 117. AN ACT TO INCORPORATE THE RUDISILL GOLD MINING COMPANY OF BALTIMORE CITY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same*, That John J. Wight, William Fisher, Joseph Reynolds, Augustus C. Pracht, and William R. Penniman, and Thomas Googh, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, by the name and style and title of the "Rudisill Gold Mining Company of Baltimore City," for the purpose of working, mining and exploring for gold, copper and all other minerals and metals, and for mining, vending, smelting and working the

Powers.

same, and for working and manufacturing; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity in this State whatsoever in all suits and actions; may have a common seal and the same alter at pleasure; and may enjoy all the privileges and powers incident to mining, smelting and manufacturing corporations; and may also purchase, hold and convey any real and personal property or estate, as capital stock, to the amount of seven hundred and fifty thousand dollars.

SEC. 2. *Be it further enacted*, That said corporation may ^{Stock.} divide their stock into such number of shares, and provide for the sale and transfer thereof, in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares in such manner as the by-laws may direct, and shall issue scrip for the shares of stock, and each share shall entitle the holder thereof to one vote in meetings of stockholders; and also said corporation shall have power to enact and pass all such by-laws and regulations as they may deem necessary, not repugnant to the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for ^{Directors.} the corporation to be managed by three or five directors, who shall have power to fill vacancies in their own body, shall continue in office until others are elected or appointed, and also to exercise all such rights as by this act are conferred or granted; but the stockholders shall have power to elect said directors annually, two of whom shall be actual residents of this State.

SEC. 4. *Be it further enacted*, That the aforesaid John J. ^{Directors.} Wight, William Fisher, Joseph Reynolds, Augustus C. Pracht, William R. Penniman and Thomas Googh, shall manage the affairs of said corporation as directors until others are elected or appointed, shall meet and organize by choosing one of their own body a president, and appoint a secretary and other employees, make such by-laws as for the time being they shall deem expedient, and may then proceed to business.

SEC. 5. *Be it further enacted*, That this corporation shall exist for thirty years from the passage of this act, and that act this be in force from and after its passage. [*Ratified the 23d day of February, 1861.*]

Chap. 118. AN ACT TO INCORPORATE THE RIDDICK'S CREEK MINING COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Dan'l Worth, Peter Adams, Hiram C. Worth and William Worth, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, by the name and style and title of the "Riddick's Creek Mining Company," for the purpose of working and mining and exploring for gold, copper and all other metals, minerals and ores, and for mining, smelting, working and vending the same; and may also purchase, hold, sell, mortgage, bond or convey real or personal property or estate, with a capital not exceeding one million of dollars.

Powers.

Stock.

SEC. 2. *Be it further enacted,* That said corporation may divide their stock into shares of not less than five dollars, and one of its directors shall live in North Carolina.

SEC. 3. *Be it further enacted,* That the corporation shall exist for sixty years, and this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

Chap. 119. AN ACT TO INCORPORATE THE BALTIMORE AND NORTH CAROLINA COPPER AND GOLD MINING COMPANY.

Body corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Gilmore Meredith, Israel Cohen, Thomas C. Harris, Samuel Sutton Clayton and Joseph Wilkins, their associates, successors, and assigns, be, and they are hereby constituted a body corporate, by the style of the "Baltimore and North Carolina Copper and Gold Mining Company," for the purpose of working, mining and exploring for copper, gold, silver and other metals, and of working, mining, vending and smelting the same; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity whatsoever in all suits and actions; may have a common seal and the same alter at pleasure; and may enjoy all the powers and privileges incident to mining and

Powers.

smelting corporations; and may purchase, hold and convey real and personal property or estate, as capital stock, to the amount of one million of dollars.

SEC. 2. *Be it further enacted*, That the said corporation ^{Stock.} may divide their capital stock into such number of shares, and provide for the sale and transfer thereof in such manner and form as they shall from time to time deem expedient; may levy and collect assessments, and forfeit and sell delinquent shares; and may make and enact such by-laws and regulations as they may from time to time deem expedient, not inconsistent with the laws of this State and of the United States.

SEC. 3. *Be it further enacted*, That it shall be lawful for ^{Directors.} the affairs of the said corporation to be managed by three or more directors, two of whom at least shall be citizens of North Carolina, who shall be chosen annually; shall appoint a president and secretary; shall have power to fill vacancies in their own body, and shall continue in office until others are elected or appointed in their stead; and shall exercise all the powers which by this act are granted or conferred.

SEC. 4. *Be it further enacted*, That the said corporation shall endure for thirty years, and this act be in force from its passage. [*Ratified the 15th day of February, 1861.*]

AN ACT TO INCORPORATE THE ADAMS HILL MINING COMPANY. *Chap. 120.*

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body politic.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That Peter Adams, David McKnight and A. P. Eckel, and their associates, successors and assigns, be, and they are hereby created and constituted a body politic and corporate, by the name and style and title of the "Adams Hill Mining Company," for the purpose of working, mining ^{Powers.} and exploring for gold, copper and all other metals, minerals and ores, and for mining, smelting, working and vending the same; and may also purchase, hold, sell, mortgage, bond or convey real or personal property or estate, with a capital not exceeding one million of dollars.

SEC. 2. *Be it further enacted*, That said corporation may ^{Stock.} divide their original stock into such number of shares, and pro-

vide for the sale and transfer thereof in such manner and form as said corporation shall from time to time deem expedient; and may levy and collect assessments, forfeit and sell delinquent shares, declare and pay dividends on the shares in such manner as their by-laws shall direct.

SEC. 3. *Be it further enacted*, That one of the directors of said corporation shall reside in the State of North Carolina.

SEC. 4. *Be it further enacted*, That this corporation shall exist for sixty years, and this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

NAVIGATION COMPANIES.

Chap. 121. AN ACT TO CONTINUE THE IMPROVEMENT AND PROVIDE FOR THE EQUIPMENT OF THE ALBEMARLE AND CHESAPEAKE CANAL AND THE WATERS CONNECTED THEREWITH.

Exchange of
bonds with
State.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of completing the canal and navigation now under contract by the Albemarle and Chesapeake Canal Company, and to provide for motive power necessary for transportation through the same, the public treasurer is hereby authorized and directed to exchange the six per cent. coupon bonds of this State to the amount of two hundred thousand dollars, (which bonds are to be made in the same manner and form as those heretofore issued to said company,) for two hundred thousand dollars of the first mortgage seven per cent. coupon bonds of the said Albemarle and Chesapeake Canal Company.

Excess of interest
deposited
in sinking fund.

SEC. 2. *Be it further enacted*, That the said public treasurer shall deposit semi-annually with the commissioners of the sinking fund the sum of one thousand dollars, or the excess of interest received over and above that paid by the State on the bonds issued under this act.

Principal of
bonds.

SEC. 3. *Be it further enacted*, That the moneys so deposited with the commissioners of the sinking fund shall be invested by them in such manner as they may deem best, so

as to constitute a fund to pay the principal of the said bonds authorized to be exchanged under this act.

SEC. 4. *Be it further enacted*, That said company shall ^{Mortgages.} make no further mortgage upon their canals and other property, without discharging all its liabilities to the State of North Carolina.

SEC. 5. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 6th day of February, 1861.*]

AN ACT TO PROVIDE FOR A CONTINUATION OF THE IMPROVE- *Chap. 122.*
MENT OF CAPE FEAR AND DEEP RIVER SLACK WATER NAVI-
GATION.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Work to be continued.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That the board of managers, appointed to repair and continue said improvement, as provided under the act of 1858-'59, chapter 142, be authorized to continue it: *Provided*, That the total amount of the expenditure shall ^{Proviso.} not exceed thirty-thousand dollars per annum, including all necessary expenses incurred by the managers in the transaction of the business intrusted to them.

SEC. 2. *Be it further enacted*, That the board of managers ^{Pay of managers.} shall be entitled to the same allowance while engaged in the performance of their duties, for per diem, mileage, &c., as members of [the] internal improvement board.

SEC. 3. *Be it further enacted*, That the commissioners of ^{Commissioners may sell works.} the Cape Fear and Deep River Navigation Works be, and they are hereby authorized and required to sell, so soon as they may deem advisable, the State's interest in said works upon such terms as they may deem best.

SEC. 4. *Be it further enacted*, That the purchasers of said ^{Purchasers to form body corporate.} interest, together with the other stockholders, shall form a body corporate, under the name and style of the "Cape Fear and Deep River Navigation Company," and shall possess all the powers and privileges that were formerly held by the old company of that name.

Conflicting
laws.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act be, and the same are hereby repealed, and this act shall be in force from and after its passage. [*Ratified the 23d day of February, 1861.*]

Chap. 123. AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO EXTEND THE POWERS OF THE NEW RIVER NAVIGATION COMPANY."

Authorizes the
erection of
drawbridges.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the president and directors of the New River Navigation Company be, and they are hereby authorized and empowered to erect draw-bridges or gates, or to extend a chain across said New river, so as to facilitate the collection of the tolls due said company.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

PLANK ROADS.

Chap. 124. AN ACT FOR THE RELIEF OF THE GREENVILLE AND RALEIGH PLANK ROAD COMPANY, AND TO EMPOWER THE SAME TO SELL OR TRANSFER ITS CORPORATE PROPERTY.

Power to wind
up the com-
pany's affairs.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Greenville and Raleigh Plank Road Company may, and the said corporation is hereby authorized and empowered to call a meeting of its members, to be held in the town of Greenville, to begin on the third Thursday of March, in the year of our Lord one thousand eight hundred and sixty-one, and to hold and continue its sessions until the business thereof shall be completed. Notice of said meeting, signed by the president or presiding member of said corporation, to be given by advertisement for two weeks previous thereto in some newspaper printed in the town of Wash-

ington, for the purpose of preparing the business of said corporation for its dissolution.

SEC. 2. The said corporation at said meeting may by vote, Effects of company. pursuant to the requisition of the by-laws thereof, empower and authorize the president and two of its members to take charge of the estate and effects thereof, and to collect the debts and property due and belonging to the said corporation; to prosecute and defend, in the name of the corporation, all such suits as be necessary or proper for the purposes aforesaid, and that may be necessary for the settlement of the business of said corporation preparatory to the dissolution thereof; to pay all debts due from the corporation, if the Debts due from company. funds in their hands be sufficient therefor, and if not, they shall distribute the same ratably among all the creditors thereof that prove the same to be due and owing; and if there shall be any balance, after the payment of the debts remaining in their hands, they shall distribute the same to Balance. and among those who shall be entitled thereto as stockholders or members of said corporation; to sell, transfer and convey, in fee simple absolutely, all its corporate rights, titles and Sale of works. estates—the right to receive fare and tolls for the use of said road excepted—to such person or persons as will give the highest price or sum for the same, they retaining a commission for such services of five per centum upon their receipts and for making conveyances of the property sold.

SEC. 3. *And be it further enacted,* That the business for Business of company to close. which the said corporation was established shall, from and after the said sales, no longer be continued, but the same shall cease and determine, and no fares or tolls for the use of said road shall be charged, nor shall there be any further duty or obligation upon the said corporation to keep in repair the said plank road or any part thereof, but the charter of the said corporation shall henceforth cease, determine, and be null and void: *Provided,* That all suits against said corpora- Suits pending. tion for forfeitures or penalties incurred by acts of omission or commission already commenced, or that shall be prior to the discontinuance of the business of said road commenced, shall and may be prosecuted to a recovery and execution therefor.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

POOR.

Chap. 125. AN ACT CONCERNING THE MANAGEMENT OF THE POOR IN THE COUNTY OF FORSYTHE.

Sale or delivery
of spirituous
liquors pro-
hibited.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person to sell or deliver to any pauper residing at the poor-house of the county of Forsythe, any spirituous liquor, or liquor of which spirituous liquor may be a chief ingredient, without permission in writing from the overseer or keeper of the poor-house aforesaid for the time being.

Penalty.

SEC. 2. *Be it further enacted*, That any person offending against the provisions of this act shall forfeit and pay the sum of five dollars, one-half to the overseer or keeper of the poor-house aforesaid, for the use of the poor, and the other half to him who will sue for the same.

How recovered.

SEC. 3. *Be it further enacted*, That all penalties accruing under this act shall and may be recovered by warrant before any justice of the peace for the county of Forsythe. [*Ratified the 20th day of February, 1861.*]

Chap. 126. AN ACT TO ALLOW THE WARDENS OF THE POOR FOR THE COUNTY OF WAKE TO HOLD THEIR MEETINGS AT THE POOR-HOUSE AND FOR OTHER PURPOSES.

Meetings of
wardens.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the wardens of the poor for the county of Wake may hold their meetings at either the court-house or poor-house in said county.

Compensation
to treasurer.

SEC. 2. *Be it further enacted*, That the treasurer of the warden's court be allowed two and a half per cent. on his vouchers from said court.

SEC. 3. *Be it further enacted*, That each warden be paid ^{Compensation to wardens.} two dollars per day for each and every day he serves in the capacity of warden, to be paid out of any moneys in the hands of the treasurer of said court not otherwise appropriated.

SEC. 4. *Be it further enacted*, That this act [shall] be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

RAILROADS.

AN ACT TO AMEND AN ACT, ENTITLED "AN ACT TO INCORPORATE *Chap. 127.*
THE ATLANTIC, TENNESSEE AND OHIO RAILROAD COMPANY,"
RATIFIED FEBRUARY 15TH, 1855.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Corporate name.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That the stockholders of the "Atlantic, Tennessee and Ohio Railroad Company" that reside in North Carolina shall be incorporated, under the name of the "Atlantic, Tennessee and Ohio Railroad Company in North Carolina."

SEC. 2. *Be it further enacted*, That now the acting president and directors of said road in North Carolina shall have ^{Powers of president and directors.} power to do and accomplish all things pertaining to their officers [offices] until their successors shall be elected.

SEC. 3. *Be it further enacted*, That the president and ^{Meetings.} directors shall, at such time as they shall deem expedient, call a general meeting of all the stockholders of said company in North Carolina, to meet at such place in North Carolina as they shall designate, and the company incorporated by this act of amendment shall have all the general powers that are by the statute concerning corporate companies conferred on corporations.

SEC. 4. *Be it further enacted*, That the said Atlantic, Ten- ^{Powers.} nessee and Ohio Railroad Company shall have the power to collect and receive all sums subscribed with the commissioners of the Atlantic, Tennessee and Ohio Railroad Company in this State, to be applied in the construction and equipment of the Atlantic, Tennessee and Ohio Railroad in North Carolina, and

shall have the power to increase the subscription to the stock of said company by means of such agents as they may appoint, and to collect and apply the amount of such additional subscriptions towards the construction and equipment of said railroad in North Carolina; and when such shall be completed, or any portion of it, the Atlantic, Tennessee and Ohio Railroad Company in North Carolina shall have the exclusive use and profits of said road to the Tennessee State line, until the said railroad shall be built and equipped for transportation and for use as far as its intersection with the East Tennessee and Virginia Railroad: *Provided*, That the said road shall not be either the North Carolina or South Carolina gauge, but an independent gauge.

Powers.

SEC. 5. *Be it further enacted*, That the Atlantic, Tennessee and Ohio Railroad Company in North Carolina shall have no power or authority to bind the faith and credit of the Atlantic, Tennessee and Ohio Railroad for the acts and contracts of the first-named company, or any of the stockholders thereof be bound for the acts and contracts of the last-named company; nor shall the last-named company receive or collect any of the instalments in the subscriptions by stockholders in North Carolina, nor shall it receive or demand any profits arising from the said road in North Carolina.

SEC. 6. *Be it further enacted*, That all claims for damages done to any land by the said company in the construction of their road shall be barred after two years from the time of action occurring [accruing].

Duration of act.

SEC. 7. *Be it further enacted*, This act of amendment shall be and continue in force with the Atlantic, Tennessee and Ohio Railroad until said road shall be completed to the intersection with the East Tennessee and Virginia Railroad, and no longer.

SEC. 8. *Be it further enacted*, That whenever the said railroad shall be completed to the intersection with the East Tennessee and Virginia Railroad, the Atlantic, Tennessee and Ohio Railroad Company shall by such name be an incorporated company in North Carolina, subject to the regulations and restrictions imposed by the aforesaid act, entitled "An act to incorporate the Atlantic, Tennessee and Ohio Railroad Company," except that said company shall have power to hold

its annual, as well as its occasional, meetings at any point in North Carolina which the stockholders in general meeting or the directors shall designate, as well as at Jonesboro' in Tennessee.

SEC. 9. *Be it further enacted*, That the stockholders of said Atlantic, Tennessee and Ohio Railroad Company in North Carolina shall annually elect seven directors, who shall elect one of their number president. Should said election for any cause fail to take place, the president and directors shall remain in office until their successors are elected. President.

SEC. 10. *Be it further enacted*, That the acceptance of this amendatory act by a majority of the stockholders in North Carolina shall be deemed and taken as valid acceptance of the same by the Atlantic, Tennessee and Ohio Railroad Company.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE CASWELL RAILROAD COMPANY. *Chap. 128.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a company by the name of "The Caswell Railroad Company" be, and the same is hereby incorporated, with a capital of one million of dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad from the town of Milton, in Caswell county, by Yanceyville, to the company shops in Alamance county. Title and stock.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons are hereby appointed general commissioners: Giles Mebane, James G. Moore, G. W. Swepston, John Tapscot, Samuel Watkins, M. McGehee, Geo. W. Thompson, Samuel P. Hill, N. M. Roan, William Long, Dr. Allen Gunn, whose duty it shall be to direct the opening of books for subscription at such times and places as they, or a majority of them, may deem proper; and said general commissioners shall have power to appoint a chairman of their body, treasurer, and all other Commissioners.

officers their organization may require, and to sue for all sums of money that ought, under this act, to be recovered by them.

When books
may be opened.

SEC. 3. *Be it further enacted*, That all persons who are by this act authorized, or who may be hereafter by the general commissioners authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when said books will be opened; and said books shall be kept open for the space of thirty days, at least, and as long thereafter as the general commissioners shall direct; and that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying, at the time of making his subscription, five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription; and in case of failure to pay said sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the general commissioners by the persons receiving the same; and in case of failure to pay, as aforesaid, such person or persons receiving said money shall be personally liable to said general commissioners before the organization of said company, and to the company itself, after the organization, to be recovered in the superior courts of law within this State, in the county where such delinquent resides; or if he resides in another State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money paid by subscribers; that all persons receiving subscription of stock, shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon their settlement with the general commissioners, as aforesaid, it shall be the duty of said general commissioners, in like manner, to pass their receipts for all sums thus received to the persons from whom received; and such receipts shall be taken and held to be good and sufficient vouchers to persons holding them; that subscriptions of stock may be received as aforesaid, or as here-

Shares.

Delinquent sub-
scribers.

Power of com-
missioners.

after provided for, to the amount of twelve hundred and fifty thousand dollars.

SEC. 4. *Be it further enacted*, That it shall be the duty of said general commissioners to direct and authorize said books of subscription to be kept open until the sum of one hundred thousand dollars, at least, shall be subscribed in the manner aforesaid, and as soon as the said sum of one hundred thousand dollars, or upwards, shall be subscribed in the manner aforesaid, and the sum of five dollars on each share paid in, as aforesaid, the subscribers to said stock shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of "The Caswell Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and shall have perpetual succession and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State, or in any other State; and shall have, possess and enjoy all rights, privileges and immunities which corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

SEC. 5. *Be it further enacted*, That as soon as one hundred thousand dollars, at least, shall be subscribed in the manner aforesaid, [and as soon as the said sum of one hundred thousand dollars, or upwards, shall be subscribed in the manner aforesaid,] and the sum of five dollars on each share paid in, as aforesaid, the subscribers to said stock shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of "The Caswell Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity; and by that

name shall be capable, in law and in equity, to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter, and shall have perpetual succession and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law or equity in this State, or any other State; and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

Meeting of
stockholders.

SEC. 6. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars, or upwards, shall be subscribed as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet in Milton, in the county of Caswell, which they shall cause to be previously published for the space of thirty days in one or more newspapers, at which time and place the said stockholders shall, in person or by proxy, proceed to elect by ballot nine directors of the company, and to enact all such regulations and by-laws as may be necessary for the government of said corporation and the transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places when the subsequent election of directors shall be held, and such elections shall henceforth be annually made; but if they [the] day of the annual election shall [should] pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to make and hold such election in such manner as may be prescribed by a by-law of the corporation.

Board of direc-
tors.

SEC. 7. *Be it further enacted*, That the affairs of said company shall be managed by a general board, to consist of nine directors, to be elected by the stockholders from among themselves, at their first and subsequent general annual meetings; and no stockholder shall be elected a director, nor serve as

such, unless he be at the time of his election the owner of five shares of said stock, and shall continue to hold the same during the term of his service.

SEC. 8. *Be it further enacted*, That the president of said President. company shall be chosen by ballot, by a majority of the directors, from among themselves, with a salary to be fixed by the stockholders in general meeting.

SEC. 9. *Be it further enacted*, That all stockholders, being Vote of stockholders. citizens of the United States, shall be entitled to vote either in person or by proxy, the proxy being a stockholder, at all general meetings; and the vote to which each stockholder shall be entitled shall be according to the number of shares he may hold.

SEC. 10. *Be it further enacted*, That at the first general First meeting of stockholders. meeting of the stockholders under this act, a majority of all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn, from time to time, until a regular meeting be thus formed; and at such meeting the stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them, which shall constitute a quorum for the transaction of business at all subsequent meetings.

SEC. 11. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders, and pay over to the directors elected at that meeting, or their authorized agent, all sums of money received from subscribers; and on failure to do so, they shall be personally liable to said company, to be recovered in like manner as other debts due the company. Report of commissioners.

SEC. 12. *Be it further enacted*, That the board of directors Vacancies in board. may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president, may fill his place by electing a president *pro tem.* from among their number.

SEC. 13. *Be it further enacted*, That the said board of Books of subscription. directors shall have power and authority to open books for further subscriptions to the stock of said company, at such times and under such persons as they may designate, in the event the whole stock be not subscribed before the first general

meeting of the stockholders, and to open and keep open said books, from time to time, until the whole amount of the capital stock be subscribed.

Gauge.

SEC. 14. *Be it further enacted*, That said company shall have power, and may proceed to construct, as speedily as possible, a railroad, with one or more tracks, of the same gauge and width of track as the North Carolina Railroad, from the North Carolina Railroad, at the company shops to the town of Milton, to be used and operated by steam power.

Privileges.

SEC. 15. *Be it further enacted*, That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over the road constructed by them, at such charges as may be fixed upon by a majority of the directors; and the said company may from [farm] out their rights of transportation over their said railroad, subject to the rules above mentioned, and said company, and every person who may have received from them the right of transportation of goods, wares and produce on said road, shall be deemed and taken to be a common carrier, as respects every thing entrusted to them or him for transportation.

Payments of
stock.

SEC. 16. *Be it further enacted*, That the board of directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interests of the said company may require. The call for each payment shall be published in one or more papers of this State [for this State], for two months before the day of payment; and on failure of any stockholder to pay each instalment, as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser at said sale, discharged from all further liability; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assigns, at suit of said company, either by summary motion in any court of supreme jurisdiction, in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by

action of assumpsit in any court of competent jurisdiction, or by a warrant before any justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers and the first and all subsequent assignees, shall be held liable to the company, and the same may be recovered, as above described.

SEC. 17. *Be it further enacted*, That the debt of stockholders, due to the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative.

SEC. 18. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Transfer of stock.

SEC. 19. *Be it further enacted*, That the board of directors shall, once in every year, at least, make a full report on the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if required by a by-law, and shall have power to call a general meeting of the stockholders, when the board may deem it expedient; and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof. Reports of directors.

SEC. 20. *Be it further enacted*, That said company may purchase, have and hold in fee, or for a term of years, any land, tenements or hereditaments which may be necessary for the said road, or the appurtenances thereof, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries, to be used for said company, or for procuring stone or materials necessary to the construction of the road, or for effecting transportation thereon. Real estate.

SEC. 21. *Be it further enacted*, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided*, That the said company shall not obstruct any public road, without constructing another equally as good and convenient. Right of way.

Lands may be
condemned.

SEC. 22. *Be it further enacted*, That when any lands or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders, selected by the county court in the county where the right of way is situated. For making the said valuation, the said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the general increased value of the land, or any special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may accrue, in any way whatever, by the establishment of said railroad or work, and shall state particularly the value and amount of each, and the excess of the loss and damage over and above the advantage and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose lands the road may pass, or if said company should be dissatisfied with the valuation of said freeholders, then and in that case the party so dissatisfied may have an appeal to the superior court, in the county where the damage is done, or in either county where the land may lie, under the same rules, regulations and restrictions as in other cases of appeal. The proceedings of the said freeholders, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them, to the court from which the order was made, there to remain a matter of record; and the lands or right of way, so valued, shall vest in the said company so long as the same may be used for the purposes of said railroad, so soon as the valuation shall have been made, or when refused, may have been tendered: *Provided*, That on application for the appointment of freeholders, under this section, it shall be made to appear to the satisfaction of the court that at least ten days' previous notice had been given by the applicant to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants, or *non compos mentis*, then to the guardian of such

owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as conveniently as may be to the court-house of the county, and shall have been posted at the door of the court-house on the first day of the term of said court to which the application is made: *Provided, further*, That the valuation provided for in this section shall be made on oath by the freeholders aforesaid, which oath any justice of the peace or clerk is authorized to administer: *Provided, further*, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard, garden or burial ground of any individual, without his consent.

SEC. 23. *Be it further enacted*, That the right of said company to condemn lands in the manner as aforesaid shall extend to the condemning one hundred feet on each side of the track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

What quantity
may be con-
demned.

SEC. 24. *Be it further enacted*, That in the absence of any contract or contracts with said company in relation to lands through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to said company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of the said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming

under him, her or them shall apply for an assignment of the value of said lands as hereinbefore directed within two years next after that part of the said road which may be on said lands was finished; and in case the said owner, or those claiming under him, her or them shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, Nothing herein contained shall affect the right of feme coverts or infants until two years after the removal of their respective disabilities.

What lands to
vest in compa-
ny.

SEC. 25. *Be it further enacted*, That all lands not heretofore granted to any person within one hundred feet of the centre of said road shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Trespass.

SEC. 26. *Be it further enacted*, That if any person or persons shall intrude upon said railroad by any manner of use thereof, or of the rights and privileges connected therewith, without the permission or contrary to the will of said company, he, she or they may be indicted for a misdemeanor, and, upon conviction, fined and imprisoned by any court of competent jurisdiction.

Injury to prop-
erty.

SEC. 27. *Be it further enacted*, That if any person or persons shall wilfully and maliciously destroy or in any manner hurt or damage, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy or in any manner to hurt, damage, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water tank, warehouse or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent, or servant of the owner of the land where such destruction, hurt, damage,

injury or obstruction was done at the time the same was done, or caused to be done.

SEC. 28. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company; and the person causing such obstruction may be indicted for erecting a public nuisance. Obstructions.

SEC. 29. *Be it further enacted*, That the said company shall have the right to take at the storehouse they may establish or annex to their railroad all goods, wares, merchandise and produce intended for transportation; to prescribe the rules of priority, and charge and receive such just and reasonable compensation for storage as the by-laws may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owners, which may be distinct from rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular depositories for immediate transportation, and which the company may have power to transport immediately. Powers of company.

SEC. 30. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided amongst the stockholders, in proportion to the stock each may own. Dividends.

SEC. 31. *Be it further enacted*, That the following officers and servants and persons in the actual employment of the said company be, and they are hereby exempted from the performance of jury and ordinary militia duties:—the president and treasurer, the board of directors, chief and assistant engineers, the secretary and accountant of the company, keepers of the depositories, guards stationed on the road and at the bridges, and such persons as may be working the locomotive engines and travelling with the cars for the purpose of attending to transportation of produce, goods and passengers on the road. Exemption of officers.

SEC. 32. *Be it further enacted*, That for the purpose of ascertaining the best route for said road and its branches, and to locate the same, it shall be lawful for said company, by its engineers, servants and agents, to enter upon, examine and Survey to be made.

survey any land or lands that they may wish to examine for such purpose, free from any liability whatever.

SEC. 33. *Be it further enacted*, That the gauge of said railroad shall be the same as the gauge of the North Carolina Railroad.

SEC. 34. *Be it further enacted*, That should this road ever be extended so as to connect with any road in Virginia leading to Richmond, then, and in that case, this charter to be forfeited. [*Ratified this 25th day of February, 1861.*]

Chap. 129. AN ACT TO INCORPORATE THE CHATHAM RAILROAD COMPANY.

Capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a company is authorized to be formed, with a capital stock of eight hundred thousand dollars, to be divided into shares of one hundred dollars each, to be called

Corporate title.

and known as the "Chatham Railroad Company," for the purpose of building and constructing a railroad with one or more tracks, to be used with steam and other motive power, from the coal fields in the county of Chatham through said county to Raleigh, or some point west of Raleigh not exceeding twelve miles, the nearest and most practicable route; and such company, when formed as hereafter directed, shall have power to receive, possess, own and transfer real and personal property, to have common seal, and to pass such by-laws, not inconsistent with the laws of this State, as may be necessary to carry out the object of the corporation; shall be capable in law of suing and being sued, pleading and being impleaded, and shall have and enjoy all the rights of other corporate bodies under the laws of this State, to condemn land for right of way and all other purposes necessary to carry into effect the purposes of said company; and shall generally have and possess all the rights, privileges and immunities, and be subject to the limitations and restrictions of corporate bodies in this State; and shall have the exclusive right to transfer and carry persons, produce, merchandise and minerals on and along such railroad at such prices as they may fix.

Powers.

Commissioners. SEC. 2. *Be it further enacted*, That for the purpose of

creating the capital of such company, John C. Stone, Henry A. London, Frank Page, K. P. Battle, O. A. Taylor, T. D. Hogg, R. S. Tucker, W. P. Taylor, William Hogan Jones and Elias Bryan are hereby appointed commissioners, whose duty it shall be, as soon after the passage of this act as may be, to appoint such commissioners to open books of subscription at such places and at such times as to them shall seem best, and under such rules and regulations as they may prescribe.

SEC. 3. *Be it further enacted*, That whenever the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company by solvent subscribers, it shall be the duty of the commissioners aforesaid to call a general meeting of the stockholders, after giving such notice as to them shall seem sufficient, and at such times and places as they shall determine; and at all general meetings of said stockholders not less than a majority of all the stock subscribed shall constitute a quorum for the transaction of business, and said stockholders, when so met in general meeting, shall have power, and it shall be their duty, to elect a president and five directors for said company; and in electing such president and directors, and in enacting such by-laws as may be necessary, each share of stock represented, either in person or by proxy, shall be entitled to one vote: *Provided*, If a majority of such stockholders shall not attend said first general meeting, such as do attend and are present may adjourn from time to time until a majority shall appear.

General meetings.

President and directors.

SEC. 4. *Be it further enacted*, That it shall be the duty of said stockholders, at their first general meeting, to prescribe the manner and time in which payments of stock on the subscription books shall be made: *Provided*, Not more than one half of said subscription shall be called for in one year after said first general meeting.

SEC. 5. *Be it further enacted*, That it shall be the duty of the president and directors of said company to appoint a treasurer, who shall remain in office such length of time as the company in their by-laws shall determine; and said president and directors shall remain in office one year, and until others are chosen, and shall have a general direction and management of the affairs of said company, and shall appoint some

Vacancies.

suitable person as engineer, whose duty it shall be to make the necessary surveys for the location of said railroad, and furnish the president and directors with such survey or surveys, and estimates of the cost; said directors shall have power to fill any vacancy that may occur in their board, and, in the absence of the president, to elect one for the time; they shall also appoint a secretary, whose duty it shall be to keep a fair and correct record of the proceedings of said board, and of all the proceedings of the stockholders in general meeting, in a book to be provided for that purpose.

Reports.

SEC. 6. *Be it further enacted*, That the president or board of directors shall at least once a year make a full report on the state of the company and its affairs to a general meeting of the stockholders, and oftener, if required by any by-law of the company; and also [call] a general meeting of the stockholders whenever they may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof.

Counties, &c.,
may subscribe.

SEC. 7. *Be it further enacted*, That all persons, the justices of the county court, or the authorities of any incorporation, shall have full power and authority to subscribe to the capital stock of said company to the amount they shall be authorized to do by the inhabitants of said county or any incorporated town, or the proper authorities of any corporation, to the amount they shall be authorized to do by the inhabitants of said county or town; and they [may] issue bonds or other evidence of debt to enable them to borrow money to pay such subscription; the said subscription to be made by any agent or agents of such county, town or corporation properly authorized by them to make the same, when so made, shall be binding on such county, company or corporate body in the same manner and to the same extent that it is on the individual subscribers, and such body corporate, or company, or county shall be represented in all general meetings of the stockholders.

Increase of
stock.

SEC. 8. *Be it further enacted*, That if the capital stock of said company, as authorized by this charter, be insufficient to carry out the purposes of the same, it may be increased by said company to one million, two hundred and fifty thousand dollars.

SEC. 9. *Be it further enacted*, That said company may begin the construction of said road at any point on the line of location according to their discretion, and that for any portion of said road actually constructed the said company shall be entitled to all the privileges of this act into and over such part so constructed.

SEC. 10. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 15th day of February, 1861.*]

AN ACT TO CONSTRUCT A RAILROAD FROM DALLAS, N. C., TO THE SOUTH CAROLINA LINE. *Chap. 130.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a company, by the name and style of the "Dallas and King's Mountain Railroad Company," be, and the same is hereby incorporated, with a capable [capital] stock of two hundred thousand dollars, divided into shares of fifty dollars each, for the purpose of constructing a railroad from Dallas, in Gaston county, N. C., to the South Carolina [line.] Corporate title.
Capital stock.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed general commissioners, viz: David A. Jenkins, Robert Wilson, Lawson Wilson, William M. Ferguson, James Queen, J. R. Falls, Ezra B. Wilson, Moses H. Rhyne, J. F. Pigram, Jacob Froneborger, Jr., John G. Lewis, Samuel Jarrett, Edward Whitesides and William Crawford, whose duty it shall be to direct the opening of books for subscriptions of stock at such times and places, and under such persons as they, or a majority of them, may deem proper; and said commissioners shall have power to appoint a chairman of their body, treasurer and all other officers, and to sue for and recover all sums of money that should be recovered by them under this act. Commissioners.

SEC. 3. *Be it further enacted*, That when the sum of fifty thousand dollars shall have been subscribed in manner and form as aforesaid, in shares of fifty dollars each, and shall have Corporate powers.

paid five per cent. on the same to the persons authorized to receive the same, all subscriptions upon which five per cent. is not paid being null and void, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared incorporated into a company, by the name and style of the "Dallas and King's Mountain Railroad Company;" and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or otherwise, so far as shall be necessary for the purposes embraced in their charter; and shall have perpetual succession; and may sue and be sued by their corporate name, plead and be impleaded in any court of law and equity in the State of North Carolina, or any other State having competent jurisdiction; and may have and use a common seal which they may alter or renew at pleasure; and shall have and enjoy all other rights and privileges which other corporate bodies may and do exercise; and make all such by-laws, rules and regulations as may be necessary for the good government of said company.

Meetings of
stockholders.

SEC. 4. *Be it further enacted*, That it shall be the duty of said stockholders, or a majority of them, so soon as the sum of fifty thousand dollars shall have been subscribed as aforesaid, to appoint a time and place, and give at least thirty days' public notice for the stockholders to meet; at which time and place, a majority of the stock being represented in person or by proxy, [they] shall proceed to elect nine directors out of their number, each of whom shall possess at least ten shares of stock, and shall also proceed to elect a president, treasurer and secretary out of the number of stockholders; and the said directors shall have power to do all things necessary for the government of the company and for the transaction of business. The persons elected directors as aforesaid shall serve for one year; and the election for president, treasurer, secretary and directors shall be held annually, at such times and places as the stockholders may direct; but if the day for the annual election should pass by without an election of officers, the officers formerly in office shall continue in office until a new election takes place.

Election of officers.

SEC. 5. *Be it further enacted*, That the election of all officers shall be by ballot, each stockholder casting as many

votes as he has shares in the stock of said company, and the person receiving a majority of votes thus polled shall be considered elected; each share of stock shall be entitled to one vote, to be represented in person or by proxy.

SEC. 6. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock in said company in such instalments as the interests of said company may require, the call for each payment to be published in one or more newspapers for the space of one month before the day of payment; and on the failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, ten days' notice having been given, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a fund sufficient to pay off the incidental expenses of the sale and the entire amount owing by such stockholder to the company for such subscription of stock, then, and in that case, the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder, or his executors, administrators or assigns, at the suit of said company, by action of assumpsit, in any court of competent jurisdiction, or by warrant before a justice of the peace when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for sums due on such stock both the original subscriber, the first and all subsequent assignees shall be liable to the company, and recovered as above described.

Payments of
stock.

SEC. 7. *Be it further enacted*, That the debt of the stockholders due to the company for stock therein, either by the original subscriber or assignee, should be of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

Debt of stock
holders.

SEC. 8. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner as may be directed by the by-laws of said company.

Certificates of
stock.

SEC. 9. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, either by opening books for subscription of new stock, or borrowing money on the credit of the company,

Increase of
stock.

or by mortgaging its charter and work, as by the stockholders directed.

Corporate powers.

SEC. 10. *Be it further enacted*, That the said company shall have power to construct as speedily as possible a railroad with one or more tracks along the line as heretofore set forth in this act; and shall have the privilege of using any section of said road constructed by them before the whole is completed.

Right of way.

SEC. 11. *Be it further enacted*, That said company shall have power to construct said road across any public road or along the head of such public road: *Provided, however*, That said railroad company make as good [and] substantial a road at one side.

Right of way.

SEC. 12. *Be it further enacted*, That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the county courts of the respective counties in which some part of the land or right of way is located. In making said valuation, the commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the lands or rights of way being surrendered, and the benefits or advantages he, she or they may receive from the erection of said road, and state particularly the value and amount of each; and the excess of loss and damage over and above the advantages and benefits [and] shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose lands the road may pass, or the company, should be dissatisfied with the valuation of said commissioners, then, and in that case, either party may appeal to the superior court; and the proceedings of said commissioners, accompanied with a full description of said land or right of way, shall be returned under the hands and seals of a majority of the commissioners to the court from which commissions issued, there to remain a matter of record; and the lands or right of way so valued by the commissioners shall vest in the said company so long as the same shall be used for the

purposes of said railroad so soon as the valuation may be paid, or, when refused, may have been tendered: *Provided*, That the right of condemnation shall not extend to the dwelling house, yard, garden or graveyard of any individual without his consent.

SEC. 13. *Be it further enacted*, That the right of said company to condemn lands in the manner described in the 12th section of this act shall extend to the condemnation [of] only one hundred feet on each side of the main track of said road, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company, in like manner, shall also have power to condemn any adjoining lands for the construction and building of depots, shops, workhouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one place.

What land may be condemned.

SEC. 14. *Be it further enacted*, That all the lands on which the road may be located, not heretofore granted by the State, within one hundred feet of the centre of said road which shall be constructed by said company, shall vest in the company as soon as the line of the road is definitely laid out.

Right to land to vest in company.

SEC. 15. *Be it further enacted*, That said company shall have the exclusive right of the conveyance or transportation of persons, goods, merchandise and produce over said road, at such charges a may be fixed by a majority of the directors.

Exclusive rights.

SEC. 16. *Be it further enacted*, That said company shall have the right, and it shall be their duty, to take at the storehouses they may establish or annex to their road all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as their by-laws may establish or may be fixed by agreement.

SEC. 17. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they may have been elected, and in the absence or death of the president, may appoint a president *pro tempore* to fill his place from among their number.

Vacancies in board.

SEC. 18. *Be it further enacted*, That the profits of the company, or so much thereof as the directors may deem advi-

Dividends.

sable, shall, when the affairs of the company will admit of it, be annually divided among the stockholders.

SEC. 19. *Be it further enacted*, That notice of process upon the president or acting agent of said company shall be deemed lawful notice of serving process upon the company. [*Ratified the 23rd day of February, 1861.*]

Chap. 131. AN ACT SUPPLEMENTAL TO AN ACT PASSED AT THE PRESENT SESSION OF THE GENERAL ASSEMBLY, ENTITLED "AN ACT TO INCORPORATE THE CHATHAM RAILROAD COMPANY."

Public treasurer
to issue bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the public treasurer be, and is hereby authorized and directed to sell the *coupon bonds* of the State to an amount not exceeding two hundred thousand dollars, signed by the governor, countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, principal payable at the end of twenty years from the date thereof, and the coupons of interest payable semi-annually in such form as the public treasurer may direct, to be made payable at such time and place as may be agreed upon by the public treasurer, and that the public treasurer shall pay over the said sum of two hundred thousand dollars to the president and directors of the Chatham Railroad Company at such times and upon such conditions as are herein provided: *Provided*, Said bonds shall not be sold by the public treasurer for a less sum than their par value.

Conditions for
the issue of
State bonds.

SEC. 2. *Be it further enacted*, That before the public treasurer shall sell for said company any of the bonds hereby authorized to be sold, the said Chatham Railroad Company shall deliver to the public treasurer the coupon bonds of said company for the same amount and bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and paid over to the Chatham Railroad Company; and to secure the principal and interest of said bonds issued by the Chatham Railroad Company, the State of North Carolina shall by this act have a lien upon all the estate of said company,

both real and personal, which they may now have or hereafter acquire, which lien shall be more effectually secured by a mortgage duly executed by said company to this State, and registered in the register's office of the counties of Chatham and Wake; and for the better security of the payment of the interest upon said bonds until the completion of said road, the company shall deposit with the treasurer good and sufficient bonds, made by individual stockholders or persons interested in said road, amounting to fifty thousand dollars, to secure the payment of the interest as aforesaid, which said bonds shall be payable to the public treasurer, and shall be deemed due and payable at any time prior to the completion of said road, if the said company shall fail to pay the interest on the bonds given in exchange for the bonds of the State, which bonds shall, upon the payment of the interest to the completion of said road, be surrendered by the public treasurer to the said company.

SEC. 3. *Be it further enacted*, That the bonds of the State hereby authorized to be sold for the Chatham Railroad Company shall not be sold until an amount of stock sufficient to build said road shall have been subscribed, and satisfactory assurance given to the governor and treasurer for the payment thereof either in work or money, and a bond payable to the treasurer in the sum of four hundred thousand dollars, with good and satisfactory security, shall have been delivered to the treasurer, said bond, however, to be void upon condition the said road shall be completed within four years from the date of the bonds of the State hereby authorized to be exchanged.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after the date of its ratification. [*Ratified the 23rd February, 1861.*]

When bonds to
be issued.

AN ACT TO INCORPORATE THE GREENSBORO' AND LEAKSVILLE RAILROAD COMPANY. *Chap. 132.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a company by the name and style of the "Greensboro' and Leaksville Railroad Company," be, and

Corporate title.

Capital stock. the same is hereby incorporated with a capital stock of twelve hundred and fifty thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad, from the North Carolina Railroad in the town of Greensboro', in the State of North Carolina, to Leaksville in the county of Rockingham, or its vicinity.

Commissioners. SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed general commissioners: William T. Sutherlin, of Danville; Pinckney Wott, Robert Wott, Dr. Robert Scales, and George Boyd, of the county of Rockingham; John M. Morehead, Ralph Gorrell, C. E. Shober, C. P. Mendenhall, of the county of Guilford, and William Johnston, of the town of Charlotte, whose duty it shall be to direct the opening of books for subscription of stock, at such times and places and under such persons as they or a majority of them may deem proper; and in the meantime, it shall be lawful for books of subscription to said stock to be opened in the town of Charlotte, under the direction of John A. Young, William Johnson and John L. Morehead, or any two of them; in the town of Concord, under the direction of V. M. Barringer, Caleb Phifer and Daniel Coleman, or any two of them; in the town of Salisbury, under the direction of Nathaniel Boyden, N. N. Fleming, J. J. Shaver, or any two of them; at Lexington, under the direction of William R. Holt, John P. Mabrey, Samuel Hargrove, or any two of them; at High Point, under the direction of W. W. Boman, Dr. Robert Lindsey and John Carter, or any two of them; at Greensboro', under the direction of James Sloan, J. H. Lindsey and J. J. Long, or any two of them; at Wentworth, under the direction of J. W. Ellington, W. M. Ellington, and A. M. Scales, or any two of them; at Leaksville, under the direction of Geo. J. Atkin, Jonas W. Burton and C. Glenn, or any two of them; at High Rock, under the direction of Francis L. Simpson, Dr. Robert Scales, Geo. W. Gaunt, or any two of them; at Danville, Va., under the direction of William T. Sutherlin, James M. Williams, and Dr. T. P. Atkinson, or any two of them; and in the city of Richmond, Va., under the direction of A. Y. Stokes, Lewis E. Harvie and Thomas W. Brockenbrough, or any two of them; and said general commissioners shall have

power to appoint a chairman of their body treasurer, and all other officers their organization may require; and to sue for and recover all sums of money that ought under this act to be recovered by them.

SEC. 3. *Be it further enacted*, That all persons who are by this act authorized, or who may be hereafter by the general commissioners authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when the said books will be opened, and the said books shall be kept open for the space of thirty days at least, and as long thereafter as the general commissioners shall direct, and that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying at the time of making his subscription, five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription, and in case of failure to pay said sum all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalments shall be paid over to the general commissioners by the persons receiving the same, and in case of failure to pay as aforesaid such person or persons receiving said money shall be personally liable to said general commissioners before the organization, of said company, and to the company itself after the organization, to be recovered in the superior court of law within this State, in the county where such delinquent resides; or if he resides in another State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money paid by subscribers; that all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first instalment as heretofore required to be paid, and upon their settlement with the general commissioners as aforesaid, it shall be the duty of said general commissioners in like manner to pass their receipts for all sums thus received to the persons from whom received, and such receipts shall be taken and held to be good and sufficient vouchers to persons

Books of subscription.

holding them; that subscriptions of stock may be received as aforesaid, or as hereafter provided for, to the amount of twelve hundred and fifty thousand dollars.

Books—when closed.

SEC. 4. *Be it further enacted*, That it shall be the duty of said general commissioners to direct and authorize said books of subscription to be kept open until the sum of one hundred thousand dollars, at least, shall be subscribed in the manner aforesaid; and as soon as the said sum of one hundred thousand dollars, or upwards, shall be subscribed in the manner aforesaid, and the sum of five dollars on each share paid in as aforesaid, the subscribers to said stock shall be, and they are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of the "Greensboro' and Leaks-ville Railroad Company," with all the corporate powers and authority hereby enacted and granted, to be held and exercised by said company and their successors and assigns in perpetuity, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell, or convey estates, real, personal, and mixed, and to acquire the same by gift, devise, or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intent of this charter; and shall have perpetual succession and a common seal, which they may use, alter, or renew at pleasure; and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State or any other State; and shall have, possess and enjoy all rights, privileges, and immunities which corporate bodies may and of right do exercise; and may make all such by-laws, rules, and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

Corporate powers.

Meeting of stockholders.

SEC. 5. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars, or upwards, shall be subscribed as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet in Greensboro', in the county of Guilford, which they shall cause to be previously published, for the space of thirty days, in one or more newspapers, at which time and place the said stockholders shall in person, or by proxy, proceed to elect, by ballot, nine directors of the company, and to enact all such regulations and by-

laws as may be necessary for the government of said corporation and the transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places when the subsequent election of directors shall be held, and such elections shall henceforth be annually made; but if the day of the annual election should pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to make and hold such election in such manner as may be prescribed by a by-law of the corporation.

SEC. 6. *Be it further enacted*, That the affairs of said company shall be managed by a general board, to consist of nine directors, to be elected by the stockholders, from among themselves, at their first and subsequent general annual meetings, and no stockholder shall be elected a director, nor serve as such, unless he be at the time of his election the owner of five shares of said stock, and shall continue to hold the same during the term of his service. Board of directors.

SEC. 7. *Be it further enacted*, That the president of the said company shall be chosen, by ballot, by a majority of the directors from among themselves, with a salary to be fixed by stockholders in general meeting. President.

SEC. 8. *Be it further enacted*, That all the stockholders, being citizens of the United States, shall be entitled to vote, either in person or by proxy, the proxy being a stockholder, at all general meetings, and the vote to which each stockholder shall be entitled shall be according to the number of shares he may hold. Vote of stockholders.

SEC. 9. *Be it further enacted*, That at the first general meeting of the stockholders, under this act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn, from time to time, until a regular meeting be thus formed, and at such meeting the stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them which shall constitute a quorum for the transaction of business at all subsequent meetings. Regular meetings.

Returns of com-
missioners.

SEC. 10. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for at the first general meeting of the stockholders, and pay over to the directors elected at that meeting, or their authorized agent, all sums of money received from subscribers; and on failure to do so they shall be personally liable to said company, to be recovered in like manner as other debts due the company.

SEC. 11. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and, in the absence of the president, may fill his place by electing a president *pro tem.* from among their number.

Directors may
open books.

SEC. 12. *Be it further enacted*, That the said board of directors shall have power and authority to open books for further subscriptions to the stock of said company, at such times and under such persons as they may designate, in the event the whole stock be not subscribed before the first general meeting of the stockholders, and to open and keep open said books, from time to time, until the whole amount of the capital stock be subscribed.

Corporate privi-
leges.

SEC. 13. *Be it further enacted*, That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce, over the road constructed by them, at such charges as may be fixed upon by a majority of the directors; and the said company may farm out their rights of transportation over their said railroad, subject to the rules above mentioned, and said company, and every person who may have received from them the right of transportation of goods, wares and produce on said road, shall be deemed and taken to be a common carrier, as respects everything entrusted to them or him for transportation.

Payment of
stock.

SEC. 14. *Be it further enacted*, That the board of directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interests of said company may require; the call for each payment shall be published in one or more papers of this State for four weeks before the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all

the stock subscribed for in said company, by such stockholders, and convey the same to the purchaser at said sale, discharged from all further liability; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of sale, and the entire amount owing by such stockholders to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assigns, at the suit of said company, either by summary motion in any court of superior jurisdiction, in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by action of assumpsit in any court of competent jurisdiction, or by a warrant before a justice of the peace, when the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers and the first and all subsequent assignees shall be held liable to the company, and the same may be recovered as above described.

SEC. 15. *Be it further enacted*, That the debt of stockholders, due to the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative. Debt of stockholders.

SEC. 16. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Certificates of stock.

SEC. 17. *Be it further enacted*, That the board of directors shall once in every year, at least, make a full report on the state of the company, and its affairs, to a general meeting of the stockholders, and oftener if required by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient, and the company may provide in their by-laws for occasional meetings being called, and prescribe the mode thereof. Reports.

SEC. 18. *Be it further enacted*, That said company may purchase, have and hold, in fee or for a term of years, any land, tenements, or hereditaments, which may be necessary for Corporate powers.

the said road, or the appurtenances thereof, or for the erection of depositories, store houses, houses for the officers, servants or agents of the company, or for work-shops or foundries, to be used for said company, or for procuring stone or other materials necessary for the construction of the road, or for effecting transportation thereon.

Corporate privileges.

SEC. 19. *Be it further enacted*, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water-course: *Provided*, That the said company shall not obstruct any public road, without constructing another equally as good and convenient.

Right of way.

SEC. 20. *Be it further enacted*, That when any lands or right of way may be required by said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or for any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five freeholders selected by the county courts in the county where the right of way is situated. In making the said valuation, the said freeholders shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the general increased value of the land, or any special benefit which may arise from the location of a depot, or otherwise, on said land, or any benefit which may accrue, in any way whatever, by the establishment of said railroad or work, and shall state particularly the value and amount of each; and the excess of the loss and damage over and above the advantage and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons, over whose lands the road may pass, or if said company should be dissatisfied with the valuation of said freeholders, then and in that case, the party so dissatisfied may have an appeal to the superior court, in the county where the damage is done, or in either county where the land may lie, under the same rules, regulations and restrictions as in other cases of appeal. The proceedings of the said freeholders, accompanied with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them, to the court

from which the order was made, there to remain a matter of record; and the lands or right of way, so valued, shall vest in the said company so long as the same may be used for the purposes of said railroad, so soon as the valuation shall have been made, or, when refused, may have been tendered: *Provided*, That on application for the appointment of freeholders, under this section, it shall be made to appear to the satisfaction of the court, that at least ten days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published, at least one month next preceding, in some newspaper printed as conveniently as may be to the court-house of the county, and shall have been posted at the door of the court-house on the first day of the term of said court to which the application is made: *Provided, further*, That the valuation provided for in this section shall be made on oath by the freeholders aforesaid, which oath any justice of the peace or clerk is authorized to administer: *Provided, further*, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling-house, yard, garden, or burial ground of any individual without his consent.

SEC. 21. *Be it further enacted*, That the right of said company to condemn lands in the manner as aforesaid, shall extend to the condemning one hundred feet on each side of the track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road, and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

SEC. 22. *Be it further enacted*, That in the absence of any contract or contracts with said company, in relation to lands through which the said road may pass, signed by the owner

What lands may
be condemned.

Title of land
vests in com-
pany.

thereof, or of his agent, or any claimant, or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to said company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of the said road and no longer, unless the person or persons owning the said land, at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them shall apply for an assessment of the value of said land as hereinbefore directed, within two years next after that part of the said road which may be on said lands was finished, and in case the said owner or those claiming under him, her or them shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the right of feme coverts or infants until two years after the removal of their respective disabilities.

SEC. 23. *Be it further enacted*, That all land not heretofore granted to any person within one hundred feet of the centre of said road, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Trespass.¹

SEC. 24. *Be it further enacted*, That if any person or persons shall intrude upon said railroad, by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of said company, he, she or they may be indicted for a misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Injury to company's property.

SEC. 25. *Be it further enacted*, That if any (person or persons) shall wilfully and maliciously destroy, or in any manner hurt or damage, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water-tank, warehouse,

or any other property of said company, such person or persons so offending shall be liable to be indicted therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay all expenses for repairing the same; and it shall not be competent for any person so offending against the provisions of this clause to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of the land where such destruction, hurt, damage, injury or obstruction was done, at the time the same was done or caused to be done. Penalty.

SEC. 26. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on said road, shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of said company; and the person causing such obstruction may be indicted for erecting a public nuisance. Obstructions on road.

SEC. 27. *Be it further enacted*, That the said company shall have the right to take at the storehouses they may establish or annex to their railroad, all goods, wares, merchandise and produce intended for transportation; to prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may be fixed by agreement with the owners, which may be distinct from rates of transportation: *Provided*, That the said company shall not charge or receive storage on goods, wares, merchandise or produce which may be delivered to them at their regular deposition [depositories] for immediate transportation, and which the company may have power to transport immediately. What the company may transport.

SEC. 23. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided amongst the stockholders, in proportion to the stock each may own. Dividends.

SEC. 29. *Be it further enacted*, That the following officers and servants and persons in the actual employment of the said company be, and they are hereby exempted from the performance of jury and ordinary militia duty: the president and Officers, &c

treasurer, the board of directors, chief and assistant engineers, the secretary and accountant of the company, keepers of the depositories, guards stationed on the road and at the bridges, and such persons as may be working the locomotive engines and traveling with the cars, for the purpose of attending to transportation of produce, goods and passengers on the road.

Survey.

SEC. 30. *Be it further enacted*, That for the purpose of ascertaining the best route for said road and its branches, and to locate the same, it shall be lawful for said company, by its engineers, servants and agents, to enter upon, examine and survey any land or lands that they may wish to examine for such purpose, free from any liability whatever. [*Ratified the 20th day of February, 1861.*]

Chap. 133. AN ACT TO INCORPORATE THE GREENVILLE AND GOLDSBORO' RAILROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of making a connection by railroad between the head of steamboat navigation of Tar river, at the town of Greenville, in the county of Pitt, and the North Carolina Central Railroad at Goldsboro', in the county of Wayne, the formation of a corporate company, with a capital stock of six hundred thousand dollars, in shares of one hundred dollars each, is hereby authorized, to be called "The Greenville and Goldsboro' Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Capital stock.

Corporate title.

Route.

SEC. 2. *Be it further enacted*, That the said company have power to construct a railroad from the town of Greenville, in the county of Pitt, or some point immediately adjoining said town, on Tar river, to the town of Goldsboro', in the county of Wayne, and to make a junction with the North Carolina Central Railroad, and the Wilmington and Weldon Railroad, at the junction of the said Railroad in said town of Goldsboro'.

Commissioners.

SEC. 3. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following per-

sons are appointed commissioners, to wit: P. A. Atkinson, C. Perkins, H. S. Clark, Moses Joyner, Peter Hines, W. M. B. Brown, J. J. Cherry, M. L. Carr, Charles Green, George A. Dancy, Charles J. O'Hagan, William Bernard, sen., Richard Bynum, Elias Blount, Joseph L. Ballad, George Joyner, William J. Moye, John S. Smith, and John S. Brown, of the county of Pitt, and Edward Patrick, Josiah Sugg, J. L. Freeman, Joseph Jones, Dr. Swift, S. B. Cox, Owen Jones, Arthur D. Speight, John Harvey, Henry Best and Joseph P. Speight, of the county of Greene, and J. G. Gregory, of the county of Wayne, and Daniel Fowle, Rufus Tucker and A. M. Lewis, of the city of Raleigh, and John M. Morehead, of Greensboro', and J. J. Summerell, of Salisbury, and Zeno. H. Green, Wm. S. Ashe and R. H. Cowan, of Wilmington, whose duty it shall be to direct the opening of books for subscription of stock at such times and places, and under the direction of such persons as they, or a majority of them, may deem proper, or if they fail to do so, then under the direction of the commissioners appointed for Pitt county, or a majority of them; and the commissioners, or a majority of them, or in case they fail so to act, then the commissioners appointed for Pitt county, or a majority of them, shall have power to appoint a chairman of their body, a treasurer, and all other officers, and to sue for and recover all sums of money that ought, under this act, to be recovered by them.

SEC. 4. *Be it further enacted*, That the commissioners above named, and all other persons who may hereafter be authorized, as aforesaid, to open books for subscription, shall open the same at any time after the ratification of this act, first giving twenty days' notice thereof of the time and place in one or more of the newspapers printed in either Goldsboro', Raleigh or Wilmington, and the said books, when opened, shall be kept open for the space of sixty days, at least, and so long thereafter as the commissioners above named shall direct; and the said named commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make return of the subscription of stock by them respectively received.

SEC. 5. *Be it further enacted*, That whenever the sum of

Books to be opened.

Corporate powers.

fifty thousand dollars shall be subscribed in manner and form aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared incorporated into a company, by the name and style of the Greenville and Goldsboro' Railroad Company, and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter, and no further; and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded in any court of law and equity in this State, and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all the rights and immunities which other corporate bodies may, and of right do exercise; and make all such by-laws, rules and regulations as are necessary for the government of the corporation, or effecting the object for which it was created, not inconsistent with the constitution and laws of the State, and of the United States.

Meeting of
stockholders.

SEC. 6. *Be it further enacted*, That it shall be the duty of the commissioners named in this act for receiving subscriptions, or a majority of them, as soon as the sum of fifty thousand dollars shall have been subscribed in manner aforesaid, to give public notice thereof, and at the same time call a general meeting of the stockholders, giving at least thirty days' notice of the time and place of meeting: a majority of the stockholders being represented in person or by proxy, shall proceed to elect a president and treasurer and nine directors out of the number of stockholders; and the said directors shall have power to perform all the duties necessary in the government of the corporation and the transaction of its business; and the persons elected, as aforesaid, shall serve such period, not exceeding one year, as the stockholders may direct; and at that meeting the stockholders shall fix on the day and place or places when the subsequent election of president, treasurer and directors shall be held, and such election shall thenceforth be annually made; but if the day of the annual election of officers should, under any circumstances, pass without an election, the corporation shall not thereby be dissolved, but the officers

Officers.

formerly elected shall continue in office until a new election takes place.

SEC. 7. *Be it further enacted*, That the election of officers aforesaid shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the person having the greatest number of votes polled shall be considered duly elected to the office for which he is nominated, and at all elections, and upon all votes taken at any meeting of the stockholders upon any by-law, or any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented in person or by proxy; and proxies may be verified in such manner as the by-laws of the company prescribe.

Elections by
ballot.

SEC. 8. *Be it further enacted*, That the board of directors may fill any vacancies which may occur in it during the period for which they have been elected; and in the absence of the president, may appoint a president *pro tempore* to fill his place.

Vacancies.

SEC. 9. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock in said company in such instalments as the interest of said company may, in their opinion, require. The call for each payment shall be published in one or more newspapers of the State for one month before the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale, and if the said sale of stock does not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held as due at once to the company, and may be recovered by such stockholder, or his executor, administrator or assign, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by the action of assumpsit in any court of competent jurisdiction, or by warrant before a justice of the peace when the sum does not exceed one hundred dollars; and

Payment of
stock.

in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both [the] original subscriber, and the first and all subsequent assignees, shall be liable to the company, and the same may be recovered as above described.

Debts of stock-
holders.

SEC. 10. *Be it further enacted*, That the debts of the stockholders, due to the company for stock therein, either as original proprietor, or as first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

Certificates of
stock.

SEC. 11. *Be it further enacted*, That the said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Increase of
capital stock.

SEC. 12. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, not exceeding the additional sum of two hundred thousand dollars, by opening books for the subscription of new stock, or borrowing money on the credit of the company, and the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders.

Contracts.

SEC. 13. *Be it further enacted*, That all contracts or agreements authenticated by the president and secretary of the board, shall be binding on the company with or without a seal: such a mode of authentication shall be used as the company by their by-laws may adopt.

Corporate
privileges.

SEC. 4. *Be it further enacted*, That the said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or for the erection of depositories, store-houses, houses for the officers, servants or agents of the company, or for work-shops or foundries to be used by the company, or for procuring stone or other materials necessary to the construction of the road or effecting transportation, and for no other purpose whatsoever.

Right of way.

SEC. 15. *Be it further enacted*, That the company shall have the right, when necessary, to construct the said railroad across any public road, or along the side of any public road:

Provided, That the said company shall not obstruct any public road without first constructing one equally as good and as convenient as the one taken by the company.

SEC. 16. *Be it further enacted*, That when any lands or right of way be required by the said company for the purpose of constructing their road, building ware-houses, water-stations, work-shops, depositories, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by a jury of good and lawful men, to be summoned by the sheriff of the county in which the land required by the company may lie; and in making the said valuation, the said jury shall take into consideration the loss or damage which may occur to the owner or owners in consequence of the land or the right of way being surrendered, and the benefit or advantage he, she or they may receive from the erection of said road, and shall state particularly the value and amount of each, and the excess of loss or damage over and above the advantage and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose land the said road may pass, or the company, should be dissatisfied with the valuation thus made, then and in that case either party may have an appeal to the next court of the county to be held thereafter, and the sheriff shall return to the said court the verdict of the jury, with all proceedings thereon, and the land or right of way so valued by the jury shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or if refused, paid over to the clerk of the county court: *Provided, further*, That the right of condemnation shall not authorize the said company to invade the dwelling-house, yard, garden or grave-yard of any individual without his consent.

SEC. 17. *Be it further enacted*, That the right of said company to condemn land in the manner described in the above section shall extend to the condemnation only of one hundred feet on each side of the main track of the road, from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing

Lands may be condemned to use of company.

What quantity may be condemned.

said road; and the company in like manner shall have power to condemn any appropriate land for the building of depots and shops not exceeding five acres in any one lot or station.

SEC. 18. *Be it further enacted*, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over said road, at such charges as may be fixed on by a majority of the directors.

Dividends.

SEC. 19. *Be it further enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be annually or semi-annually divided among the stockholders, in proportion to the stock each may own.

Contracts.

SEC. 20. *Be it further enacted*, That any contract that may be entered into with any other railroad company by the president and directors of said company, after the consent of a majority of the stockholders first obtained, shall be binding on the company.

Officers exempt from certain duties.

SEC. 21. *Be it further enacted*, That all the officers of the company, and servants and persons in the actual employment of the company, be, and they are hereby exempt from performing ordinary military duty, working on public roads, and serving as jurors.

When act void.

SEC. 22. *Be it further enacted*, That all the work hereby required shall be executed with due diligence, and if it be not commenced within four years after the ratification of this act, then the charter shall be void.

SEC. 23. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall be regarded as a public act, and be continued in force until the year nineteen hundred.

Notice of process.

SEC. 24. *Be it further enacted*, That notice of process upon the principal agent of said company, or the President, or any two of the directors thereof, shall be taken to be lawful notice of service of process upon the company in any suit or action before any court of the State. [*Ratified the 23rd day of —, 1861.*]

AN ACT TO INCORPORATE THE MILTON AND YANCEYVILLE JUNC- *Chap. 134.*
TION RAILROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of constructing a railroad from some point on the North Carolina line, at or near Milton, by way of Yanceyville, to the North Carolina Railroad at the workshops, with the privilege of connecting the same with the Richmond and Danville Railroad, when authorized by the Legislature of Virginia, the formation of a company is hereby authorized, with a capital stock of five hundred thousand dollars, called the "Milton and Yanceyville Junction Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a perpetual existence as a body politic and corporate. Capital stock.

SEC. 2. *Be it further enacted,* That for the purpose of creating the capital stock of said company, the following persons be, and the same are hereby appointed commissioners, to wit: at Milton, under the superintendence of Samuel Watkins, John Wilson, Sen'r, Dabney Terry, M. McGehee, N. M. Lewis, Thomas Donoho; at Yanceyville, under the superintendence of John A. Graves, Samuel P. Hill, Thomas D. Johnston, Thos. Bigelow, and George Williamson; at Greensboro', under the superintendence of Jas. R. McLean, James Sloan, R. P. Dick, and R. Gorrell; at Graham, under the superintendence of E. M. Hatt, Dr. John Ruffin, Jesse Gant, George Patterson; at Locust Hill, under the superintendence of Calvin Graves, Chesley Turner, Antiochus Baswell, Dr. James E. Williamson, Anthony Williamson; at Anderson's Store, under the superintendence of Dr. John Q. Anderson, A. B. Walker, J. Bird, Thornton Baines, and at such places and by such other persons as the commissioners at Yanceyville may direct; whose duty it shall be to open books for the subscription of stock, at such times and places, and under the direction of such persons as they, or a majority of them may deem proper; and said commissioners shall have power to appoint a chairman of their body, treasurer, and other officers, and to sue for and recover all sums of money that should be received by them under this act. Commissioners.

Corporate
powers.

SEC. 3. *Be it further enacted*, That when the sum of one hundred thousand shall have been subscribed in the manner and form aforesaid, in shares of one hundred dollars each, and shall have paid five per cent. on the same to the persons authorized to receive the same,—and all subscriptions upon which five per cent. is not paid be null and void,—the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared incorporated into a company, by name and style of the “Milton and Yanceyville Junction Railroad Company;” and by that name shall be capable in law and equity of purchasing, holding, selling, leasing and conveying estate, real, personal and mixed, and of acquiring the same by gift or otherwise, so far as shall be necessary for the purposes embraced in their charter; and shall have perpetual succession, and may sue and be sued, by their corporate name, plead and be impleaded in any court of law or equity in the State of North Carolina, or other State, having competent jurisdiction, and may have and use a common seal, which they may alter or renew at pleasure; and shall have and enjoy all other rights and privileges which their [other] corporate bodies may and do exercise, and make all such by-laws, rules and regulations, as may be necessary for the government of said company.

Directors.

SEC. 4. *Be it further enacted*, That it shall be the duty of the stockholders, or a majority of them, as soon as the sum of one hundred thousand dollars shall have been subscribed as aforesaid, to appoint a time and place, and give at least thirty days' public notice, for stockholders to meet, at which time and place, a majority of the stock being represented in person or by proxy, shall proceed to elect nine directors out of the number of stockholders, each of whom shall possess at least two shares of stock, and shall also proceed to elect a president and treasurer, out of the number of stockholders; and the said directors shall have power to do all things necessary for the government of the company, and for the transaction of business. The persons elected directors, as aforesaid, shall serve for one year, and the election for president, treasurer and directors shall be held annually at such times and places as the stockholders may direct. But, if the day for the annual election should pass without an election of officers, the officers formerly elected shall continue in office until a new election takes place.

SEC. 5. *Be it further enacted*, That the election of all officers shall be by ballot, each stockholder casting as many votes as he has shares in the stock of said company, and the person receiving a majority of the stock polled, shall be considered duly elected. Each share of the stock shall be entitled to one vote, to be represented in person or by proxy—proxies to be verified in such manner as the by-laws may prescribe.

Elections by
ballot.

SEC. 6. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock in said company in such instalments as the interest of said company may, in their opinion, require, the call for each payment to be published, in one or more newspapers, for the space of one month before the day of payment; and on the failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, ten days' notice having been given, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a fund sufficient to pay off the incidental expenses of the sale and the entire amount owing by such stockholder to the company for such subscription of stock, then, and in that case, the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder, or his executors, administrators, or assigns, at the suit of said company, by action of assumpsit, in any court of competent jurisdiction, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars. In all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscriber, [and] the first and all subsequent assigns, shall be liable to the company, and recovered as above described.

Stock subscrip-
tions.

SEC. 7. *Be it further enacted*, That the debt of the stockholders, due to the company for stock therein, either by the original subscriber or his assignee, shall be of equal dignity with judgments in the distributions of assets of a deceased stockholder by his legal representatives.

Debt of stock-
holders.

SEC. 8. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner as may be directed by the by laws of said company.

Certificates of
stock.

Increase of
stock.

SEC. 9. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, not to exceed an additional sum of seven hundred thousand dollars, either by opening books for subscription of new stock, or borrowing money on the credit of the company or on the mortgage of its charter and works, as shall be prescribed by the stockholders.

Corporate
powers.

SEC. 10. *Be it further enacted*, That said company shall have power to construct, as speedily as possible, a railroad, with one or more tracks, along the line as heretofore set out in this act, and shall have the privilege of using any section of said road constructed by them before the whole is completed.

Contracts.

SEC. 11. *Be it further enacted*, That all contracts or agreements authenticated by the president and secretary of the board shall be binding on the company—such a mode of authentication to be used as the company by their by-laws may direct.

Right of way.

SEC. 12. *Be it further enacted*, That said company shall have the right, when necessary, to construct the said road across any public road, or along the side of any public road.

Lands may be
condemned.

SEC. 13. *Be it further enacted*, That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the county courts of the respective counties where some part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the lands or right of way being surrendered, and the benefit or advantage he, she or they may receive from the erection of said road, and state particularly the value and amount of each, and the excess of loss and damage over and above the advantages and benefit shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, That if any person or persons over whose land the road may pass, or the company, should be dissatisfied with the valuation of said commissioners, then, and in that case, either party may appeal to the superior court. The proceedings of said commissioners, accompanied with a full description of

said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record, and the lands or right of way so valued by the commissioners shall vest in the said company so long as the same shall be used for the purposes of said railroad, so soon as the valuation may be paid, or when refused, may have been tendered: *Provided*, That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days' previous notice has been given by the applicant to the owner or owners of lands proposed to be condemned: *Provided*, That the right of condemnation shall not extend to the dwelling-house, yard or garden of any individual without his consent.

SEC. 14. *Be it further enacted*, That the right of said company to condemn lands in the manner described in the 13th section of this act shall extend to the condemning only one hundred feet on each side of the main track of the road, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto as may be necessary for the purpose of constructing said road; and the company, in like manner, shall also have power to condemn any adjoining lands for the construction and building depots, shops, warehouses, buildings for servants, agents, and persons employed on the said road, not exceeding two acres in one lot or station.

SEC. 15. *Be it further enacted*, That all lands on which the road may be located, not heretofore granted by the State, within one hundred feet of the centre of said road which may be constructed by said company, shall vest in the company as soon as the line of the road is definitely laid out.

SEC. 16. *Be it further enacted*, That said company shall have the exclusive right of the conveyance or transportation of persons, goods merchandise or produce over said road, at such charges as may be fixed on by a majority of the directors.

SEC. 17. *Be it further enacted*, That said company shall have the right, and it shall be their duty, to take at the store houses they may establish on or annex to their railroad, all goods, wares, merchandise and produce intended for transportation, prescribe the rules of priority and charge, and receive

What lands
condemned.

Lands to vest
in the company.

Corporate privi-
leges.

Corporate privi-
leges.

such just and reasonable compensation for storage as they by rules may establish, or may be fixed by agreement.

Vacancies in
board.

SEC. 18. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence or death of the president may appoint a president pro tempore, to fill his place, from among their number.

Dividends.

SEC. 19. *Be it further enacted*, That the profits of the company, or so much thereof as the directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders in proportion to the stock each may own.

Notice of
process.

SEC. 20. *Be it further enacted*, That notice of process upon the president, any director or acting agent of said company, shall be deemed lawful notice of process upon the company. [*Ratified the 20th day of February, 1861.*]

Chap. 135. AN ACT ALLOWING THE RALEIGH AND GASTON RAILROAD COMPANY TO INCREASE THE CAPITAL STOCK.

Preamble.

Whereas, The whole capital stock of the Raleigh and Gaston Railroad Company is fixed by the charter at the sum of nine hundred and seventy-five thousand dollars, and each share thereof at one hundred dollars, and by reason of the great expenditure in permanent fixtures necessarily made to complete the road after exhausting the capital stock, the actual capital invested is now or will soon be upwards of one million, five hundred thousand dollars, so that each share in said company now represents about the sum of one hundred and fifty dollars: *And whereas*, At a late general meeting of the stockholders, held on the 4th day of October last, it was deemed expedient and so resolved, that the company should purchase a portion of the slaves to be employed in its service, whereby each share will represent a still larger additional amount of capital stock, and it is but just that the shares should represent as nearly as practicable the amount of capital invested:

Amount of in-
crease of stock.

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the Raleigh

and Gaston Railroad Company to increase the number of shares of its capital stock, so as to make the whole number fifteen thousand or less, and that the additional number hereby allowed may be wholly or partly divided among the stockholders, according to their several interests, or sold for their use and benefit, or used to purchase slaves for the use of the company, as by the stockholders shall be deemed best: *Provided, nevertheless*, That it shall be necessary for the State, as a stockholder, to concur in the number of increased shares, as also in the disposition thereof.

SEC. 2. *Be it further enacted*, That if the additional shares, or any number of them, shall be divided among the stockholders, all the fractional parts of shares which may accrue on such division shall be added together, so as to constitute whole shares, and they shall be disposed of for the benefit of those having fractional interest as may be deemed advisable by the company.

SEC. 3. *Be it further enacted*, That this act, when accepted by the company, shall forthwith be deemed a part of the charter, and such acceptance shall be certified to the secretary of State by the president and directors of the company, under the seal of the corporation.

SEC. 4. *Be it further enacted*, That a general meeting of the stockholders may be called for the purpose of accepting the amendment, and if accepted, as provided in section 3rd, at any time within two years, it shall be sufficient.

SEC. 5. *Be it further enacted*, That it shall not be necessary for the company to increase the number of shares at once, but they may do so from time to time as shall be resolved on, the State concurring as aforesaid: *Provided, however*, The whole capital of the company shall not exceed fifteen hundred thousand dollars.

SEC. 6. *Be it further enacted*, That every part of the present charter of said company which shall be in conflict with this amendment shall be null and void after its acceptance as aforesaid. [*Ratified the 23rd day of February, 1861.*]

Chap. 136. AN ACT FOR THE RELIEF OF CHARLES WILKES, AND TO CHARTER THE ST. CATHARINE'S MILLS AND CHARLOTTE RAILROAD COMPANY.

Body corporate. SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of establishing and maintaining a connection by railway between St. Catharine's Mills, in the county of Mecklenburg, through the town of Charlotte, (upon such terms as may be agreed upon by the authorities of said town and the company hereby incorporated,) to the depot of the North Carolina and Charlotte and Columbia Railroad and Captain Wilkes' Steam Flouring Mills, near said town, John Wilkes and Charles Wilkes, their associates, successors and assigns, [be,] and they are hereby incorporated and made a body politic, by the name and style of the "St. Catharine's and Charlotte Railroad Company," with power to make and from time to time to alter such by-laws, rules and regulations, and to have such officers as may be necessary for the purposes of this act; with power also to have and use a common seal, to sue and be sued, implead and be impleaded at law and in equity, and to have and enjoy all the powers, privileges and authorities conferred by law on railroad and other companies and corporations under the sixty-first and twenty-fifth chapters of the Revised Code of this State.

Corporate powers. SEC. 2. *Be it further enacted,* That the said company shall have power to transport for such hire and reward as may be agreed upon, to and between the said points, all such flour, produce, passengers, wood, minerals, iron and all other articles, goods and things whatsoever, by horse or steam power, as they may deem proper, and the same to store for hire and reward, subject, nevertheless, to such reasonable regulations and restrictions as may be imposed by the town authorities of Charlotte concerning the passage of the same through the streets of said town.

Capital stock. SEC. 3. *Be it further enacted,* That the capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of one hundred dollars each, transferable and assignable as may be prescribed by the by-laws of the company; and all such shares shall be deemed

personal estate, and they may raise money, by loan or otherwise, sufficient to equip and complete their road, upon such terms and security as a majority of the holders of stock representing a majority of the capital hereby authorized to be invested, may direct.

SEC. 4. *Be it further enacted*, That every obstruction to ^{Trespass.} the safe and free passage of cars and other vehicles on the said road shall be deemed a public nuisance, and may be abated as such by any officer, agent or servant of the said company, and the person causing such obstruction may be indicted as for erecting a public nuisance.

SEC. 5. *Be it further enacted*, That this act shall be in force and have effect from and after its passage. [*Ratified the 23d day of February, 1861.*]

AN ACT TO ENABLE THE WESTERN RAILROAD COMPANY TO EX- Chap. 137.
TEND THEIR ROAD FROM THE COAL FIELDS TO THE NORTH
CAROLINA RAILROAD.

Whereas, The loan of four hundred thousand dollars made ^{Preamble.} to the Western Railroad Company, by an act of the last legislature, entitled "An act to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coal Fields," was insufficient to enable said company to procure the rolling stock and equipment, build work shops, and construct the necessary wharves at Cape Fear river, for the shipment of coal and other produce, and for the erection of a permanent bridge across Deep River; therefore, to enable said company to complete said works, and to carry into effect the provisions of this act:

SECTION 1. *Be it enacted by the General Assembly of the* ^{Two divisions of road.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That there shall be two divisions of the Western Railroad, viz: the eastern division shall extend from the Cape Fear to the west bank of Deep river, near Egypt, in the county of Chatham, and the western division shall extend from the west bank of Deep river to a point on the North Carolina Railroad, to be hereafter determined by the president and directors of the Western Railroad Company, or the stockholders of the same, in general meeting assembled.

Public treasurer
to sell bonds for
eastern divi-
sion.

Amount.

Security to
State.

Bonds for west-
ern division.

Treasurer to
take company
bonds.

SEC. 2. *Be it further enacted*, That for the purpose of completing the eastern division, procuring the rolling stock and equipments, building shops, wharves, and constructing a permanent bridge over Deep river, the public treasurer is hereby authorized and directed to sell two hundred thousand dollars of the coupon bonds of the State of North Carolina, made in the same manner and form as those heretofore sold for said company, and the proceeds thereof to loan to said railroad company, the said company making and delivering to the public treasurer at the same time its coupon bonds for the same amount, and payable at the same time and place as those of the State, sold for its benefit; and to secure the principal and interest of said bonds, issued by the Western Railroad Company, the State of North Carolina shall by this act have a lien upon the eastern division of said road, together with all the rights and franchises thereto belonging or in any wise appertaining, and upon all the estate of said company, both real and personal, which they may now have or may hereafter acquire, which lien shall have preference over all other claims whatsoever.

SEC. 3. *Be it further enacted*, That for the purpose of completing the western division of said road, the public treasurer is hereby authorized and directed to issue and sell the coupon bonds of the State of North Carolina, signed by the governor, and countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually in such form and at such time and place as the public treasurer may direct, for the purpose of raising the money herein directed to be loaned to the Western Railroad Company.

SEC. 4. *Be it further enacted*, That before the public treasurer shall make any loan to said company of any of the moneys received from the sale of the bonds hereby authorized to be issued and disposed of, the Western Railroad Company shall deliver to the public treasurer the coupon bonds of said company, bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State herein before directed to be issued and disposed of; and to secure the principal and interest of said bonds issued by the

Western Railroad Company, the State of North Carolina shall by this act have a lien upon the western division of said road, together with all the rights, franchises and powers thereto belonging, or in any wise appertaining, or which may hereafter belong or appertain, together with all the real and personal estate of said company which they may now have or hereafter acquire, and which lien shall have preference over all other claims whatsoever; and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the board of internal improvement for and on behalf of the State may enter upon and take possession of all the property herein before specified, and dispose of the same so as to protect the State.

SEC. 5. *Be it further enacted*, That the public treasurer shall issue and dispose of the bonds hereinbefore directed, from time to time, as may be necessary to make the loans to said company, as required by the provisions of this act; and said loans shall be made in the sums and on the conditions following, viz: that whenever the president of said company shall certify to the governor that a section of ten miles of said road has been graded continuously at either end of the western division, that said company has purchased the iron rails, chairs and spikes, and will forthwith, in good faith, proceed to lay down and complete said section of ten miles, said company shall be entitled to receive the sum of one hundred thousand dollars; and upon a like certificate, as each successive ten miles has been graded and prepared to receive the superstructure, said company shall be entitled to receive the sum of one hundred thousand dollars, until said division shall be completed: *Provided*, That if the last section shall be less than ten miles, a deduction shall be made in the proportion of one hundred thousand dollars to ten miles of road, it being the purpose of this act to loan said company ten thousand dollars per mile for each mile of road constructed between the eastern division and the final terminus of said road on the North Carolina Railroad: *Provided, further*, That none of the bonds authorized to be issued for the western division of said road shall be sold by the public treasurer, until it shall have been certi-

Bonds issued as
required.

fied to him by the president of said company that the iron rail purchased for the said western division is of the product and manufacture of the State of North Carolina: *Provided, further*, That the bonds so issued for said western division shall not exceed \$500,000.

Repealing
clause.

SEC. 6. *Be it further enacted*, That whereas, the provisions of the seventh, eighth and tenth sections of the act of the last legislature, entitled "An act to aid in the construction and equipment of the Western Railroad from Fayetteville to the Coal Fields," are unusual, and have not been imposed upon any other company in this State, therefore the said seventh, eighth and tenth sections of said act be, and the same are hereby repealed.

Bonds must be
sold at par.

SEC. 7. *Be it further enacted*, That the bonds herein provided to be sold by the public treasurer shall not be disposed of by him for less than their par value. [*Ratified the 16th day of February, 1861.*]

Chap. 138. AN ACT TO AMEND THE CHARTER OF THE WESTERN NORTH CAROLINA RAILROAD COMPANY.

Approves route.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the route selected by said company for the location of their road from the east bank of the French Broad river to the Tennessee line, at or near Duck Town or Cowone, under the provisions of the second section of the acts of 1854 and '5, and 1858 and '9, be, and the same are hereby approved.

First section of
road.

SEC. 2. *Be it further enacted*, That the first section of said road, instead of being divided into two sections as heretofore, shall be extended from Salisbury to, and terminate at the western portal of the Blue Ridge tunnel west of the Swannanoa Gap, instead of Morgantown; but the subscriptions made for the divisions of that section east and west of Morgantown, shall be applied to the construction of the division designated by the subscription.

Book of sub-
scription—
second section.

SEC. 3. *Be it further enacted*, That the company, as provided in said act, shall open books for the subscription of stock

for the second section of said road, to extend from the terminus of the said first section to a point to be selected by the company on French Broad river, as near as may be consistent with the interest of the company to the village of Asheville; and as soon as one-third of the estimated cost of that section is subscribed by solvent individuals, counties and corporations, as provided in the act of 1854-'5, the company shall place that section under contract.

SEC. 4. *Be it further enacted*, That as soon as the second section is put under contract, it shall be the duty of said company to open books for the subscription of stock to extend the third section of said road from the terminus of the section to Waynesville, in the county of Haywood, or to a point west of the head of Richland creek; and as soon as one-third of the estimated cost of this section terminating at either of the points designated shall have been subscribed, it shall be the duty of the company to put a portion or all of the said section under contract. Subscription to third section.

SEC. 5. *Be it further enacted*, That it shall be the duty of said company, at the same time they open books for the subscription of stock for the third division, also to open books for the subscription of stock to construct a branch of said road down French Broad river, agreeably to a survey recently made by said company, terminating at the Paint Rock on the Tennessee line. French Broad branch.

SEC. 6. *Be it further enacted*, That the remainder of the appropriation made for said road under the act of 1854-'5, after setting apart a sufficient sum to pay the contractors and complete the road to the point on French Broad river, in the county of Buncombe, shall be equally divided between the third division extending to Waynesville, or a point west of the head of Richland creek, and the branch down French Broad river to the Paint Rock; and as soon as one-half that sum shall have been subscribed, as provided in third section, for either the third division or the branch, it shall be the duty of the company to put a portion or all of either or both under contracts. Remainder of appropriation.

SEC. 7. *Be it further enacted*, That the payments required to be made on the part of the State under this act and the act of 1854, in one year from the passage of this act, shall not ex- State's subscription.

ceed seven hundred thousand dollars: this limitation on the expenditure is intended as a substitute for the restrictions under the act of 1854-'5.

Repealing
clause.

SEC. 8. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with this act, be, and the same are hereby repealed, and that this act be in [force] from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 139. AN ACT TO INCORPORATE THE WILLIAMSTON AND TARBORO'
RAILROAD COMPANY.

Capital stock.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a company by the name and style of the Williamston and Tarboro' Railroad Company, be, and the same is hereby incorporated, with a capital stock of three hundred thousand dollars, divided into shares of one hundred dollars each, for the purpose of constructing a railroad from some point at or near the town of Williamston, in the county of Martin, to some point at or near the town of Tarboro', in the county of Edgecombe.

Commissioners.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed commissioners, viz: Asa Biggs, D. W. Bagley, C. B. Hapell, John R. Lanier and John C. Lamb, L. L. Clements, Archibald Staton, L. S. Yates, Bryant Bennett and H. M. Mizell, of the county of Martin; Henry T. Clarke, Wm. M. Pippins, Robt. Brown, John Norfleet, Whitmel Loyd, Theofolus Hyman, Wm. B. Cherry, B. C. Mayo, Calvin Jones and Joshua Lawrence, of the county of Edgecombe, whose duty it shall be to direct the opening of books for subscription of stock at such times and places, and under the direction of such persons, as they, or a majority of them, may appoint; and said commissioners shall have power to appoint a chairman of their body, and a treasurer, and all other officers their organization may require, and to sue for all such sums of money as ought under this act to be recovered by them.

Books opened.

SEC. 3. *Be it further enacted*, That all persons who are by

this act authorized, or who may hereafter by the general Books opened. commissioners be authorized to open books of subscription, may do so at any time after the ratification of this act, upon giving twenty days' notice of the time and place when said books will be opened; and said books shall be kept open for the space of thirty days, at least, and as long thereafter as the general commissioners, or a majority of those who act, may decide; and all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying, at the time of making his subscription, five dollars on each share by him subscribed, to the person or persons authorized to receive such subscription; and in case of failing to pay such sum, all such subscriptions shall be void and of no effect; and upon closing the books, all such sums as shall have been thus received of subscribers of the first cash instalment, shall be paid over to the general commissioners by the persons receiving the same; and in case of failing to pay, as aforesaid, such person or persons receiving said money shall be personally liable to said general commissioners before the organization of said company, and to the company itself, after organization, to be recovered in the county or superior courts of law within this State, in the county where such person resides; or if he resides in any other State, then in any court in such State having competent jurisdiction. The general commissioners shall have power to call on and require all persons empowered to receive subscription of stock at any time, and from time to time, as a majority of them think proper, to make a return [of the stock] by them respectively received, and to make payment of all sums of money paid by subscribers; and all persons receiving stock, shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon their settlement with the general commissioners, as aforesaid, it shall be the duty of the general commissioners, in like manner, to pass their receipts for all sums thus received to the persons from whom received; and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them; and subscriptions of stock may be received as aforesaid, or as hereafter provided for, to the amount of three hundred thousand dollars.

SEC. 4. *Be it further enacted*, That it shall be the duty of

Body politic.

said general commissioners to direct and authorize said books of subscription to be kept open until the sum of thirty-five thousand dollars, at least, shall be subscribed in manner aforesaid, and as soon as the said sum of thirty-five thousand dollars shall be subscribed in manner aforesaid, and the sum of five dollars on each share paid in, as aforesaid, the subscribers to said stock shall be, and they are hereby declared a body politic and corporate, in fact and in law, by the name of "The Williamston and Tarboro' Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company, and their successors and assigns, for the term of ninety-nine years, and by that name shall be capable in law and in equity to purchase, hold, lease, rent, sell or convey estate, real, personal or mixed, and to acquire the same by gift, devise or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and intention of this charter; and shall have commission and a common seal, which they may use, alter or renew at pleasure, and by their corporate name may sue and be sued, plead and be impleaded in any court of law or equity in this State, or any other State; and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may, and of right do exercise, and may make all such by-laws, rules and regulations as are necessary for the government of the corporation, or for effecting the object for which it is created, not inconsistent with the laws of this State, or of the United States.

General meeting.

SEC. 5. *Be it further enacted*, That as soon as the sum of twenty-five thousand dollars, or upwards, shall be subscribed, as aforesaid, it shall be the duty of the general commissioners to appoint a time for the stockholders to meet at such place as they may designate, which they shall cause to be previously published for the space of thirty days in one or more newspapers, at which time and place the said stockholders shall, in person or by proxy, proceed to elect by ballot seven directors of the company, and to enact all such rules, regulations and by-laws as may be necessary for the government of said corporation and transaction of its business. The persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and

Directors.

place when and where the next election of directors shall be held, and so at such subsequent meeting, and such electors [elections] shall henceforth be annually made. But if the day of the annual election shall pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by the by-laws of the corporation.

SEC. 6. *Be it further enacted*, That the officers of said ^{Board.} company shall be managed by a general board, to consist of seven directors, to be elected by the stockholders from among themselves at their first and subsequent general annual meeting; and no stockholder shall be elected a director, nor serve as such, unless he be at the time of his election the *bona fide* owner and legal holder of five shares of said stock, and shall continue to hold the same during the term of his service.

SEC. 7. *Be it further enacted*, That the president of said ^{President.} company shall be chosen by ballot, by a majority of the directors from among themselves, with a salary to be fixed by the stockholders in general meeting.

SEC. 8. *Be it further enacted*, That all stockholders, being ^{Vote of stock.} citizens of the United States, shall be entitled to vote either in person or by proxy (the proxy being a stockholder), at all the general meetings, and the vote to which each stockholder shall be entitled, shall be according to the number of shares he may hold, in the proportion following: that is to say, for one share and not more than two, one vote; for every two shares above two and not exceeding ten, one vote; for [every] four shares above ten and not exceeding thirty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; for every ten shares over one hundred, one vote.

SEC. 9. *Be it further enacted*, That at the first general ^{Adjourned meetings.} meeting of the stockholders under this act, or [a] majority of all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not attend on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting be thus formed; and at such meeting the stockholders may provide by a by-law as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for

transacting business at all subsequent regular or occasional meetings of stockholders and directors.

Returns by commissioners.

SEC. 10. *Be it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed for, at the first general meeting of stockholders, and pay over to the directors elected at that meeting, or their authorized agent, all sums of money received from subscribers; and on failure so to do, they shall be personally liable to said company, to be recovered at the suit of said company in any county or superior court in this State, in the county wherein the delinquent resides; and in case of his death, the same shall be recovered of his executor or administrator.

Vacancies.

SEC. 11. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected; and in the absence of the president, may fill his place by electing a president *pro tem.* from among their number.

Additional subscription.

SEC. 12. *Be it further enacted*, That the said board of directors shall have power and authority to open books for further subscription to the stock of said company, and at such time and under such persons as they may designate, in the event the whole stock be not subscribed before the first general meeting of the stockholders, and to open and to keep open such books from time to time, until the whole amount of capital stock be subscribed.

Corporate powers.

SEC. 13. *Be it further enacted*, That the said company shall have power, and may proceed to construct, as speedily as possible, a railroad, with one or more tracks, from some point at or near the town of Williamston, in the county of Martin, to some point at or near the town of Tarboro', in the county of Edgecombe, to be determined by the stockholders at their first general meeting, or as soon thereafter as practicable; and the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over the road constructed by them, at such charges as may be fixed upon by a majority of the directors.

Payment of stock.

SEC. 14. *Be it further enacted*, That the [board] of directors may call for the payment of the sums subscribed as stock in said company in such instalments as the interest of said company may in their opinion require. The call for each payment

shall be published in one or more newspapers in this State for the space of one month before the day of payment; and on failure of any stockholder to pay each instalment as they [are] required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholders, and convey the same to the purchaser; and if said sale of stock do not produce a sum sufficient to pay off the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors or administrators, at the suit of said company, in any court of competent jurisdiction. And in all cases of assignment of stock before the whole amount of stock has been paid to the company, thus for all sums due on such stock, both the original subscriber, and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above described.

SEC. 15. *Be it further enacted*, That said company shall upon [issue] certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company. Certificates of stock.

SEC. 16. *Be it further enacted*, That said company may purchase, have and hold in fee, or for a term of years, any lands, tenements or hereditaments which may be necessary for the said road, or the appurtenances thereof, or for the erection of depot-stations, store-houses, houses for the officers, servants or agents for the company, or for work-shops or foundries to be used for said company, or for procuring stone or other materials necessary to the construction of the road, or for effecting transportation thereon. Corporate powers.

SEC. 17. *Be it further enacted*, That the company shall have the right, when necessary, to conduct the said road across or along any public road or water course: *Provided*, The said company shall not obstruct any public road without constructing another equally good and convenient. Right of way.

SEC. 18. *Be it further enacted*, That when any land or right of way may be required by said company for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause, the same May condemn land.

cannot be purchased from the owner, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having competent jurisdiction in the county where some part of the land or right of way is located. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or right of way being surrendered, and the benefit and advantage, general or special, which he, she or they may receive by the increased value of the land, or any special benefit which may arise from the location of a depot or otherwise on said land, or any benefit which may accrue in any way whatsoever, by the establishment of said railroad or work, and shall state particularly the value and amount of each, and the excess of the loss and damage over and above the advantage and benefit: *Provided, nevertheless,* That if any person or persons over whose land the road may pass, or if said company shall be dissatisfied with the valuation of said commissioners, then, and in that case, the party so dissatisfied may have an appeal to the superior court in the county wherein the valuation has been made, or in either county in which the land may lie where it shall be in more than one county, under the same rules, regulations and restrictions as in other cases of appeal. The proceedings of said commissioners, with a full description of the said land or right of way, shall be returned under the hands and seals of a majority of them, to the court from which the commission [was issued,] there to remain a matter of record; and the land or right of way so valued shall vest in the said company so long as the same shall be used for the purpose of the said railroad, so soon as the valuation shall have been paid, or where refused, may have been tendered: *Provided,* That on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court that at least ten days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned; or if the owner or owners be infants or *non compos mentis*, then to the guardian of such owner or owners, if such guardian can be found within the county, or if he cannot be found, then such application shall have been published at least

one month next preceding, in some newspaper printed as convenient as may be to the court-house of the county in which the application is made: *Provided, further*, That the valuation provided for in this section shall be made on oath by the commissioners aforesaid, which oaths any justice of the peace or clerk of a court is authorized to administer: *Provided, further*, That the right of condemnation herein granted shall not authorize the said company to remove the dwelling-house, yard, garden or burial-ground of any individual, without his consent.

SEC. 19. *Be it further enacted*, That the right of said company to condemn land in the manner aforesaid shall extend to the condemning of one hundred feet on each side of main track of the road, measuring from the centre of the same; and the company shall also have power to condemn and appropriate lands in like manner for the constructing and building of depots, shops, warehouses, and buildings for servants, agents and persons employed on the [road,] and [not] exceeding two acres in any one lot or station.

What land may
be condemned.

SEC. 20. *Be it further enacted*, That in the absence of any contract or contracts with said company in relation to the land through which the said road may pass, signed by the owner thereof, or his agent, or any claimant or person in possession thereof, it shall be presumed that the land upon which the said road may be constructed, together with the space of one hundred feet on each side of the centre of said road, has been granted to said company by the owner thereof, and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purpose of the said road, and no longer, unless the person or persons owning said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them shall apply for an assessment of the value of said land as hereinbefore directed, within two years next after that part of the said road which may be on the said lands was finished; and in case the said owner, or those claiming under him, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, Nothing herein

Title of land to
vest in company.

contained shall affect the right of feme coverts or infants until two years after the removal of the respective disabilities.

SEC. 21. *Be it further enacted*, That all lands not granted to any person heretofore, within one hundred feet of the centre of said road, shall vest in the company as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Damage to road,
&c.

SEC. 22. *Be it further enacted*, That if any person shall wilfully and maliciously destroy or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause or aid or assist, or counsel or advise any other person or persons to destroy, or in any manner to hurt, damage, injure or obstruct the said railroad, or bridge, or vehicle used for transportation on said road, or any water-tank, ware-house, or other property of said company, such person or persons so offending shall be liable to indictment therefor, and on conviction, shall be imprisoned not more than six nor less than one month, and pay a fine not exceeding five hundred dollars nor less than twenty dollars, at the discretion of the court before which the trial takes place.

Corporate privileges.

SEC. 23. *Be it further enacted*, That the said company shall have the right to take at the store-house they may establish on or annex to their railroad, all goods, wares, merchandise and produce intended for transportation; to prescribe the rules of priority, and charge and receive such [just] and reasonable compensation for storage as they by rules may establish, (which they shall cause to be published,) or as may [be] fixed by agreement with the owners, which may be distinct from the rates of transportation.

Dividends.

SEC. 24. *Be it further enacted*, That the profits of the company, or so much thereof as the general board may deem advisable, shall, when the affairs of the company will permit, semi-annually [be] divided amongst the stockholders, in proportion to the stock each may own.

Exemptions of officers.

SEC. 25. *Be it further enacted*, That all the officers of the company, and servants, and persons in the actual employ of the company, be, and they [are hereby] exempted from performing ordinary military duty, working on public roads, and serving as jurors.

Survey.

SEC. 26. *Be it further enacted*, That for the purpose of

ascertaining the best route for said road, and to locate the same, it shall be lawful for said company, by its engineer, servants and agents, to enter upon, examine and survey any land or lands they may wish to examine for that purpose.

SEC. 27. *Be it further enacted*, That the company aforesaid shall keep a full record of all its proceedings; and if any of the persons named as general commissioners refuse to act, those who do act are hereby authorized to appoint other commissioners in their places. [*Ratified the 23d day of February, 1861.*]

Company to keep a record.

AN ACT CONCERNING THE WILMINGTON AND WELDON RAILROAD *Chap. 140.*
COMPANY.

Whereas, The Wilmington and Weldon Railroad Company has, in conformity with a law passed by the Legislature of this State, issued the bonds of said company to the amount of two hundred and fifty thousand dollars, which bonds are endorsed by the State of North Carolina as the said law provides; *and whereas*, There remains unpaid of said bonds the sum of one hundred thousand dollars, of which sum \$50,000 is payable on the 1st of January, 1862, and \$50,000 on the 1st of January, 1863, which bonds are held and owned by the State of North Carolina and the president and directors of the literary fund of North Carolina:

Preamble.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the time of payment of said unpaid bonds shall be extended so as to make the same payable, viz: fifty thousand dollars on the 1st day of January, 1867, and fifty thousand dollars on the 1st day of January, 1868, and that the said bonds shall continue to bear interest at the rate of six per cent. per annum until their maturity as herein extended, which interest shall be payable semi-annually at the time and place as set forth in said bonds. [*Ratified the 23d day of February, 1861.*]

Extends time of payment of bonds.

Chap. 141. AN ACT TO CONSTRUCT A BRANCH FROM THE WILMINGTON AND WELDON RAILROAD TO OR NEAR THE TOWN OF FAYETTEVILLE.

Powers to construct a branch.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Wilmington and Weldon Railroad Company shall have power and authority to open books for the subscription for the capital of the company from time to time; and when they may deem the same practicable with the means they may have at command, they shall have authority to construct a branch from some suitable point on the line of their road, in the county of Duplin, through the counties of Sampson and Cumberland, to some point at or near the town of Fayetteville: *Provided,* The said road shall not go further south on the Wilmington and Weldon Railroad than the deep cut between Warsaw and Magnolia.

Counties may subscribe.

SEC. 2. *Be it further enacted,* That each and every county on the line of the whole road shall be authorized and empowered to subscribe for any number of shares of the capital stock of said company, not exceeding twenty-five hundred shares, under the provisions following: a majority of the justices of each county, at any time [term] of the county court, shall determine the number of shares for which they propose the county shall subscribe, and appoint a day for holding an election in relation thereto, and cause the same to be entered upon the minutes of the court; and it shall be the duty of the sheriff of the county in at least four public places to advertise the object and day of the election for at least sixty days prior thereto, and on said day to open and keep open the polls agreeably to the acts regulating the elections for members of the General Assembly, and all the qualified voters for members of the House of Commons in said county favoring the subscription may vote "Yea," and all opposed may vote "No," and the result of such election shall be faithfully made known to the justices holding the first county court thereafter, and be made a matter of record; the result being favorable to the subscription, the same shall be ample and full authority for the chairman of the court, and it shall be his duty, to make the subscription as proposed in the name of the county. To enable

the justices of said county to meet the instalments that may be required upon such subscription, or otherwise pay for the same, they are hereby invested with authority to issue the bonds of the county, redeemable in any period not exceeding twenty-five years from the dates thereof, to bear interest payable semi-annually, at a rate not exceeding seven per cent. per annum; and it shall be the duty of the justices of the county regularly to provide the means for meeting the interest on the county bonds as the same shall become due, by laying such taxes annually on the persons, lands and other property within the county as shall and may be sufficient for the purpose; and the said justices shall likewise annually appoint a county agent to negotiate any loan or loans that may be necessary, to sell and dispose of the bonds, to receive the tax imposed to meet the interest, and regularly and faithfully apply the same to its payment, to represent the said county in all meetings of the stockholders of the railroad company, and receive the dividends that may become due upon the county stock, and apply the same either to the interest or to a sinking fund for the extinguishment of the principal as the justices of the county court may direct; and it shall likewise be the duty of the justices of the county in due season to make ample provisions, by taxation or otherwise, for liquidating the principal of said bonds as they shall come to maturity.

SEC. 3. *Be it further enacted*, That to enable the company to construct said branch, the public treasurer is hereby authorized and directed to issue and dispose of for money, coupon bonds of the State of North Carolina, signed by the governor, countersigned by the public treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from the date thereof, and the coupons of interest payable semi-annually in such form and at such times and places as the public treasurer may direct, for the purpose of raising the funds hereinafter directed to be loaned to the said Wilmington and Weldon Railroad Company. State treasurer to issue bonds.

SEC. 4. *Be it further enacted*, That before the public treasurer shall make any loan to said company of any of the moneys received upon any of the bonds hereby authorized to be issued and disposed of, the said Wilmington and Weldon State security.

Railroad Company, a majority of the stockholders assenting thereto, shall deliver to the public treasurer the coupon bonds of said company, and bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and disposed of; and to secure the principal and interest of said bonds issued by the said Wilmington and Weldon Railroad Company, the State of North Carolina shall by this act have a lien upon all the estate of said company, both real and personal, which they may now have, or may hereafter acquire upon said branch of said road, including that at both points, together with all the rights, franchises and powers thereto belonging, or in any ways appertaining, or that may hereafter belong or appertain to said company, and which lien shall have preference over all other claims whatever; and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four months after such interest shall become due, or to pay the principal of said bonds for twelve months after their maturity, the board of internal improvement, for and on behalf of the State, may enter upon and take possession of all the property hereinbefore specified, and dispose of the same, by sale or otherwise, so as to protect the State: *Provided*, Nothing contained in this act shall authorize the directors of the Wilmington and Weldon Railroad Company to divest the dividends which may accrue upon the stock of the literary board from the common school fund; but the said dividends shall be regularly paid as they accrue.

When State
loan to be made.

SEC. 5. *Be it further enacted*, That the public treasurer shall issue and dispose of the bonds as hereinbefore directed, from time to time, as may be necessary, to make the loans to said company as required by the provisions of this act, and the said loan shall be made so soon as the grading is completed for the sum of five thousand dollars per mile: *Provided*, That the amount so loaned shall not exceed two hundred and fifty thousand dollars.

To be sold not
less than par.

SEC. 6. *Be it further enacted*, That bonds of the State hereby authorized to be issued shall not be sold for less than their par value.

Connection.

SEC. 7. *Be it further enacted*, That said company shall have power and authority to connect said branch with the rail-

way of the Western Railroad Company at or near the town of Fayetteville: *Provided*, That said connection shall not be made at a distance of more than five miles from the said town of Fayetteville.

SEC. 8. *Be it further enacted*, That the Wilmington and Weldon Railroad Company, at their election, may construct and equip the said branch railroad as a part of their road, or may construct and equip the said branch railroad with a separate capital stock, separate earnings, profits and dividends. May make the branch separate stock.

SEC. 9. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE THE UNIVERSITY RAILROAD COMPANY. *Chap. 141.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of constructing a railroad, to be operated either by horse or steam power, from Chapel Hill to the North Carolina Railroad, David L. Swain, Francis L. Hawks, John M. Morehead, Richard J. Ashe, Pride Jones, Josiah Turner, sr., R. R. Bridges and W. N. Patterson, and such other persons as they may associate with them, their successors and assigns, are hereby declared to be a body politic and corporate, in fact and in law, by the name and style of the "University Railroad Company," with all the corporate powers and authority hereby created and granted, to be held and exercised by said company and their successors and assigns in perpetuity; and in that name shall be capable in law and equity to purchase, hold, lease, rent, sell or convey estates, real, personal and mixed, and to acquire the same by gift or otherwise, so far as shall be necessary for the purposes embraced within the scope, object and interest of this charter, and shall have perpetual succession, and a common seal which they may renew and alter at pleasure; and by their corporate name may sue and be sued, plead and be impleaded in any court of law and equity in this State or any other State, and shall have, possess and enjoy all the rights, privileges and immunities which corporate bodies may and of right do Body corporate.

exercise; and may make all such by-laws, rules and regulations as are necessary for the government of the corporation or for effecting the object for which it is created, not inconsistent with the laws of this State or of the United States.

Capital stock.

SEC. 2. That the capital stock of said company shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, and for the purpose of creating the same, the said company may open books of subscription at such times and places, under such persons, and under such rules and regulations, as they may prescribe.

Directors.

SEC. 3. That as soon as forty thousand dollars or upwards shall have been subscribed to the capital stock of the company, the corporation shall meet at Chapel Hill, and shall proceed to elect, by ballot, five directors of the company, and to make all such regulations and by-laws as may be necessary for the government of said corporation and the transaction of its business; the persons elected directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct, and at this meeting the stockholders shall fix the time and place when and where subsequent elections of directors shall be held, and such election shall thenceforth be annually made; but if the day of the annual election of directors shall pass without any election of directors, the corporation shall not thereby be dissolved, but it shall be lawful on any other day to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Board.

SEC. 4. That the affairs of the said company shall be managed by a general board, to consist of five directors, to be elected by the stockholders from among themselves at their first and subsequent general annual meetings.

President.

SEC. 5. That the said directors shall choose by ballot from among themselves a president of said company, and said board of directors shall also elect such other officers of the company as their interest may require, with salaries to be fixed by the stockholders in general meeting.

Vote of stock.

SEC. 6. That all the stockholders, being citizens of the United States, shall be entitled to vote, either in person or by proxy, the proxy being a stockholder, at all general meetings, and the vote to which each stockholder shall be entitled shall be according to the number of shares he shall hold in the propor-

tion following: that is to say, for one share, and not more than two, one vote; for every two shares above two and not exceeding ten, one vote; for every four shares above ten and not exceeding thirty, one vote; for every six shares over thirty and not exceeding sixty, one vote; for every eight shares over sixty and not exceeding one hundred, one vote; for every ten shares over one hundred and not exceeding two hundred, one vote.

SEC. 7. That after the first general meeting of the stockholders under this act, a majority of all the shares subscribed shall be represented before proceeding to business, and if a sufficient number do not appear on the day appointed, those who do appear shall have power to adjourn from time to time until a regular meeting be thus formed; at such general meeting the stockholders may provide by a by-law what number of stockholders, and the amount of stock to be held by them, shall constitute a quorum for transacting business at all subsequent regular or occasional meetings of stockholders and directors. General meeting.

SEC. 8. That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president may fill his place by electing a president *pro tempore* from among their number. Vacancies.

SEC. 9. That said company shall have full power, and shall proceed as speedily as possible to construct a railroad from Chapel Hill to some point on the North Carolina Railroad, and if such road is not really commenced on or before the first day of January, 1863, and completed by the first day of January, 1867, this act of incorporation, with all the powers therein granted, shall cease and become void. When charter void.

SEC. 10. That said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce over the road constructed by them upon such charges as may be fixed upon by a majority of the directors, and the said company may farm out their right of transportation over the said road subject to the rules above mentioned, and the said company, and every person who may have received from them the right of transportation of goods, wares and produce in said railroad, shall be deemed and taken to be Corporate privileges.

a common carrier, as respects everything intrusted to said road for transportation.

Payment of
stock.

SEC. 11. That the board of directors may call for the payment of the sum subscribed as stock in said company in such instalments as the interest of said company may, in their opinion, require; and on the failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of twenty days, for cash, all the stock subscribed for in said company by such stockholder, and convey to the purchaser at said sale, discharged from all other liability; and if the said sale of stock do not produce a sum sufficient to pay all the incidental expenses of the sale and the entire amount owing by said stockholder to the company for such subscription of stock, then, and in that case, the whole of the balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or of his executors, administrators or assigns, at the suit of said company, either by summary motion in the county or superior court where the delinquent resides, on a previous notice of ten days to said subscriber, or by action in any court of competent jurisdiction, or by a warrant before a justice of the peace, where the sum does not exceed one hundred dollars; and in all cases of assignment before the whole has been paid to the company, then, for all sums due on said stock, the original subscriber and the first and all subsequent assignees shall be liable to the company, and the same may be [recovered] as above described.

SEC. 12. That the debts of stockholders due to the company for the stock therein, either as original subscriber or as first or subsequent assignee, shall be considered of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representative.

Certificates of
stock.

SEC. 13. That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the law of the company.

Reports.

SEC. 14. That the board of directors shall make at least once a year a report to the general meeting of stockholders on the affairs and business of the company, and as much oftener as the company may require.

Right of way.

SEC. 15. That in the absence of any contract with said

company in relation to the land through which said road may pass, it shall be presumed that the land upon which said road may be constructed, together with the space of sixty feet on each side of the centre of said road, has been granted to said company by the owner thereof, and said company shall have good right and title thereto, and shall have, hold, [and] enjoy the same as long as the same shall be used for the purposes of said road, and no longer, unless the owner of said land shall apply for an assessment of the value of said lands, according to law, within two years next after that part of the road which may be upon said land was finished.

SEC. 16. That the profits of said company, when their affairs will permit, shall be semi-annually divided among the stockholders in proportion to the stock which each may own. Dividends.

SEC. 17. That the said company are thereby authorized and empowered to increase the capital stock of said company whenever the same may be necessary, by loan or otherwise, to the sum of three hundred thousand dollars. Increase of stock.

SEC. 18. *Be it further enacted*, That the North Carolina Railroad Company is hereby authorized to subscribe stock in said company not exceeding fifty thousand dollars, and to pay the same out of the nett earnings of their road. [*Ratified the 23rd day of February, 1861.*] N. C. Railroad may subscribe.

AN ACT TO SECURE THE COMPLETION OF THE WILMINGTON, *Chap. 142.*
 CHARLOTTE AND RUTHERFORD RAILROAD COMPANY, AND
 AMEND ITS CHARTER.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That as additional to the aid at present pledged by the State of North Carolina to the Wilmington, Charlotte and Rutherford Railroad Company, the public treasurer is hereby authorized and directed to advance, as a loan to said company, the sum of six hundred and sixty thousand dollars for the completion of its eastern division, and the further sum of three hundred and forty thousand dollars for the completion of its western division; the one-fourth part of said sums shall be advanced to said company on the first of Loan of State to company.

Proviso.

April next, one other fourth part on the first day of October next, and the remaining half upon the first day of July, 1862: *Provided*, That said company shall call for said sums on the days stated, and certify to the treasurer that the same can be advantageously expended in the prosecution of the works; and if the same be not called for upon said days, then the payments shall thereafter be made when the same can be used with advantage; and to enable the public treasurer to make said loans, he is hereby authorized and directed to issue and dispose of (at not less than their par value) the coupon bonds of the State, signed by the governor, countersigned by the treasurer, and sealed with the great seal of the State, bearing six per cent. interest, the principal payable at the end of thirty years from their respective dates, and the coupons of interest payable semi-annually in such forms, times and places as the public treasurer may direct.

State's security.

SEC. 2. *Be it further enacted*, That before the public treasurer shall make any loan as aforesaid, the said Wilmington, Charlotte and Rutherford Railroad Company shall deliver to the public treasurer the coupon bonds of said company, bearing the same interest and date, the principal and coupons payable at the same time and place as those of the State hereinbefore directed to be issued and disposed of; and to secure the principal and interest of said bonds issued by the Wilmington, Charlotte and Rutherford Railroad Company, the State of North Carolina shall by this act have a lien upon all the estate of said company, both real and personal, which they may now have or may hereafter acquire between the town of Wilmington and the terminus of said road at Rutherfordton, including that at both places, together with all the rights, franchises and powers thereunto belonging, or in any wise appertaining, or that may hereafter belong or appertain to said company, which lien shall have preference over all other claims whatever; and in case of failure of said company to pay the semi-annual interest on said bonds for twenty-four calendar months after such interest shall become due, or to pay the principal of said bonds for twelve calendar months after their maturity, the board of internal improvement, for and on behalf of the State, may enter upon and take possession of all the

property hereinbefore specified, and dispose of the same by sale or otherwise, so as to protect the State.

SEC. 3. *Be it further enacted*, That any of the real or personal estate of said company may be sold by the board of directors, the assent of the board of internal improvement being first had and obtained for any such sale. Sale of company's property.

SEC. 4. *Be it further enacted*, To afford at all times a sure and safe mode of investing any sinking fund it may establish, that it shall be competent for said company at any time to redeem from the public treasurer any number or portion of its bonds, the same then being the property of the State, by paying therefor the par value thereof, and if the bonds of this State shall be below par, then by paying therefor the same price that said State bonds may command in the leading markets of the country, to be ascertained by the public treasurer. Company may redeem its bonds.

SEC. 5. *Be it further enacted*, That said company may at any time open books for new subscriptions to its capital stock, and whenever the same may be deemed practicable, with any means it may command, it shall have power to construct and use a branch of its road from some point either in Anson or Richmond county to the town of Salisbury; and the counties through which the same may pass shall have power and authority to subscribe to the capital stock, pursuing the mode prescribed in the charter of the company for the counties along the main stem of the road: *Provided, however*, That no part of the State loan shall be applied to the construction of said branch, and if built by said company, the lien of the State shall not extend thereto, nor to any part of the real or personal estate connected therewith. New subscription.

SEC. 6. *Be it further enacted*, That no person shall be held to be incompetent as a witness by reason of his being a stockholder in said company, but his interest shall be weighed as affecting his credibility in all causes, whether in law or equity. Competency of witnesses.

SEC. 7. *Be it further enacted*, That this act shall be in operation from and after its ratification. [*Ratified the 16th day of February, 1861.*]

Chap. 113. AN ACT TO REPEAL SECTION 4, CHAPTER 169, OF THE LAWS OF NORTH CAROLINA, PASSED AT THE SESSION OF 1858-59.

Repealing
clause.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* That section fourth, chapter 169, of the laws passed by the General Assembly at the session of 1858-59, be, and the same is hereby repealed.

Time of forfeit-
ure.

SEC. [2.] *Be it further enacted,* That the forfeiture imposed in said section shall not be enforced, if the said railroad company shall commence and complete the work mentioned in said charter on or before the first day of January, 1866.

Powers.

SEC. 3. *Be it further enacted,* That the said Petersburg Railroad Company, be, and they are hereby authorized to purchase of the Seaboard and Roanoke Railroad Company, one-half the road and bridge of the latter, between Garysburg and Weldon, with all the rights, privileges and franchises attaching to the same, so far as relates to the part of said road herein authorized to be purchased.

SEC. 4. *Be it further enacted,* That this act shall be in force from its ratification. [*Ratified the 23d day of February, 1861.*]

RIVERS AND CREEKS.

Chap. 144. AN ACT TO PREVENT THE FELLING OF TIMBER IN OR OTHERWISE OBSTRUCTING THE RUN OF THE NORTH PRONG OF BELEW'S CREEK, IN FORSYTHE COUNTY.

Unlawful to fell
timber.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall not be lawful for any person to fell timber in or otherwise obstruct the run of the North prong of Belew's creek, in the county of Forsythe; and that any person knowingly or wilfully offending against the provisions of this act, shall be deemed and held guilty of a misdemeanor, and upon conviction thereof before the county or superior court, shall be fined at the discretion of the court. [*Ratified the 15th day of February, 1861.*]

AN ACT TO PREVENT THE FELLING OF TIMBER IN CERTAIN *Chap. 145.*
STREAMS IN THE COUNTY OF IREDELL.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Unlawful to fell timber.} *State of North Carolina, and it is hereby enacted by the authority of the same,* That if any person shall hereafter fell timber in the South Yadkin river, Snow creek, Big Rocky creek, or otherwise obstruct the channels of said streams so as to retard the flow of the water in said streams in the county of Iredell, they shall be deemed guilty of a misdemeanor, and may be indicted for the same in the county or superior courts of law in said county, and, on conviction, shall be fined at the discretion of the court.

SEC. 2. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 11th day of February, 1861.*]

AN ACT TO PREVENT OBSTACLES IN SALMON CREEK. *Chap. 146.*

SECTION 1. *Be it enacted by the General Assembly of the* ^{Setting seines, &c.} *State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person or persons to set, establish, keep or maintain any net, seine, or other fishing tackle whatever in or across more than two-thirds of the channel of Salmon creek from the mouth of the same up to Mill Landing.

SEC. 2. *Be it further enacted,* That a span, equal to one- ^{One-third of stream to be kept open.} third of the width thereof, shall be kept open by all persons throughout the entire length of said creek, from its mouth to Mill Landing, so as not to prevent the free passage of fish up the same.

SEC. 3. *Be it further enacted,* That any person who shall ^{Penalty.} violate this act, shall be guilty of a misdemeanor, and punished at the discretion of the county or superior court. [*Ratified the 23d day of February, 1861.*]

Chap. 147. AN ACT FOR THE PREVENTING OF FELLING TIMBER IN THE STREAMS OF WICKACON CREEK, BEAR SWAMP, STONY CREEK AND AHOSKIE SWAMP, IN THE COUNTY OF HERTFORD.

Unlawful to fell timber, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That no person or persons shall be permitted to fell timber or otherwise obstruct the water in the main run or runs, stream or streams of Wickacon creek, Bear swamp, Stony creek or Ahoskie swamp, between Wickacon bridge and Bonner's bridge, in Hertford county.

Penalty.

SEC. 5. *Be it further enacted,* That any and all persons, or servant or servants of any person or persons, who shall knowingly and wilfully fell timber, or otherwise obstruct the water in the main stream or streams of said creeks or swamps, in the county of Hertford, and shall suffer and permit the same to remain and continue therein for and during the term of twenty days, shall be deemed guilty of a misdemeanor, and if found guilty, shall be fined not less than ten dollars nor more than twenty for the first offence, and for every subsequent offence ten dollars, if a resident of said county, and if non-resident of said county, twenty dollars for every subsequent offence, and said moneys to be appropriated as hereinafter described.

Commissioners.

SEC. 3. *Be it further enacted,* That Daniel V. Sessoms, Henry D. Slaughter, John Baker, James A. Riddick and James Eley, be, and they are hereby appointed commissioners for the purposes hereinafter named, that a majority of said commissioners shall have power to elect one of their number as chairman, and fill vacancies in the board.

To receive penalties.

SEC. 4. *Be it further enacted,* That the moneys arising, if any, by virtue of this act, shall be paid over to said commissioners, and by them expended to removing of timber or other obstacles from and out of said stream, as the chairman may think best: *Provided, always,* That in case a majority of said commissioners shall think different, and they overrule said chairman as to the place most needed, and manner of expending for the free passage of the water.

Vacancies in commissioners.

SEC. 5. *Be it further enacted,* That in case the said commissioners shall fail or neglect to fill vacancies occasioned by

death or otherwise, then, and in that case, the court of pleas and quarter sessions, five justices being present, shall, by application being made, appoint commissioners for the purposes herein mentioned.

SEC. 6. *Be it further enacted*, That any person or persons violating this act, shall be deemed guilty of a misdemeanor and therefor liable to be indicted: *Provided, always*, That [if] the person or persons so offending or violating this act, shall pay the sum or penalty, as herein mentioned, to the chairman of said commissioners, before indicted, that then and in that case the person or persons so offending shall not be deemed guilty of a misdemeanor or therefor be liable to indictment. Penalties for violation.

SEC. 7. *Be it further enacted*, That nothing [in] this act shall prevent raising the public roads or bridges of any kind across said streams for the public good. Proviso.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after the first day of April, one thousand eight hundred and sixty-one. [*Ratified the 20th day of February, 1861.*]

ROADS.

AN ACT TO IMPROVE THE ROAD FROM JOHN ALLEN'S TO THE TOP Chap. 148.
OF THE BLUE RIDGE, AT OR NEAR FISHER'S GAP, IN THE
COUNTY OF SURRY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That five hundred dollars be appropriated, out of any money in the public treasury not otherwise appropriated, for the completion of said road. \$500 appropriated.

SEC. 2. *Be it further enacted*, That John Ramsey, John Allen, Elijah Thompson and Jackson Low are hereby appointed commissioners to superintend said work, and that when they shall report to the public treasurer of this State that five hundred dollars in work has been expended on said road in addition to what has been expended for work already done, under their hands and seal, it shall become the duty of the said treasurer to pay over to them the sum of five hundred dollars, for Commissioners.

Commissioners to report. which sum he shall be allowed in his settlement of public accounts.

SEC. 3. *Be it further enacted*, That it shall be the duty of the said commissioners to report to the committee of finance of said county of Surry how and where such money has been expended, and upon a settlement with said committee of finance, shall be entitled to a receipt for the same, otherwise shall be liable to the chairman of the county court in a suit of damage for the same, to be tried and determined by said court.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after the date of its ratification. [*Ratified the 23rd day of February, 1861.*]

Chap. 149. AN ACT TO LAY OFF, LOCATE AND ESTABLISH A ROAD FROM THE TOWN OF STATESVILLE, IN THE COUNTY OF IREDELL, TO THE TOWN OF WILKESBORO', IN THE COUNTY OF WILKES.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Calvin Cowles and Sidney Stokes, of the county of Wilkes, and Steptoe Brunet, in the county of Alexander, and A. W. Jamieson and John Davidson, be appointed commissioners, and they, or any three of them, shall survey and locate and establish a public road leading from the town of Statesville, in the county of Iredell, the nearest and most direct practicable route, to the town of Wilkesboro', in the county of Wilkes, and they shall locate and designate said road by stakes and marks; and they shall assess to the owners of lands over which said road may be established such damage as they may sustain thereby; and they shall make a plat of the route of said road, and a particular and accurate description thereof, and an accurate statement of the damages assessed to each landholder, all of which shall be in writing, signed and sealed, and reported to the ensuing courts of the said counties, and when confirmed by the said county court, said assessments shall be claims against the counties in which the land lies, to [be] paid as other county claims; and the county courts in each county through which said road passes shall appoint the hands to open and make said road, and appoint the

To assess damages.

necessary overseer, and orders to carry the provisions of this act into effect.

SEC. 2. *Be it further enacted*, That said commissioners ^{Grade.} shall locate said road so that no part thereof shall have an ascent of more than one foot vertical to sixteen feet horizontal, and shall take an oath before some justice of the peace to perform the duties herein required of them faithfully, impartially and to the best of their skill and ability.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO IMPROVE THE PUBLIC ROAD FROM TAYLORSVILLE *Chap. 150.*
TO BOON, BY WAY OF RUSSELL'S GAP AND HOLDMAN'S FORD.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Commissioners.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That R. L. Steel, A. M. Foster, Lindza Triplett, John Cook, Jacob Council and William Green, of Watauga county, be, and they are hereby appointed commissioners to view, lay off, alter and amend that part of the public road leading from Taylorsville, Alexander county, to Boon, Watauga county, by way of Russel's Gap and Holdman's Ford, as lies between Taylorsville and Boon, in the county of Watauga.

SEC. 2. *Be it further enacted*, That for the purpose of ^{\$3,000 appropri-} effecting said alterations and amendments, the sum of three thousand dollars is hereby appropriated, to be paid by the public treasurer to the said R. L. Steel, A. M. Foster, Lindza Triplett, John Cook, Jacob Council and William Green, out of any moneys remaining in the public treasury not otherwise appropriated, to be paid as follows: when individuals or counties shall have subscribed and paid, either in money or labor, the ^{When paid.} sum of five hundred dollars towards the construction of said road, and the same shall be certified to the public treasurer by said commissioners, then the public treasurer shall pay over to said commissioners the sum of one thousand dollars; and when an additional sum of five hundred dollars shall have been subscribed and paid by individuals or counties, and the same shall

be in like manner certified to the public treasurer, the public treasurer shall pay to said commissioners the sum of one thousand dollars; and when the further sum of five hundred dollars shall be paid to said commissioners by individuals and by counties, and the same shall be in like manner certified to the public treasurer, the public treasurer shall pay to said commissioners the further sum of one thousand dollars.

Contracts.

SEC. 3. *Be it further enacted*, That it shall be the duty of the commissioners aforesaid to let to contract so much of said road as the sum hereby appropriated will construct, and shall make report in writing to the county court of Watauga county a full and perfect statement of the amendments and alterations proposed by them, and the manner in which the money appropriated had been expended.

In case appropriation not sufficient.

SEC. 4. *Be it further enacted*, That in the event the sum hereby appropriated shall not be sufficient to complete [the] amendment and alterations proposed, it shall be lawful for the county [court] courts of Wilkes and Alexander counties to [appoint] overseers and allot hands within their respective counties, to complete said road as laid off, altered and amended by the commissioners aforesaid; and in case of failure to work upon said road, the hands so failing or refusing to work shall be subject to the same liabilities, penalties and forfeitures as are now imposed by law upon hands for failure to work [upon] public roads in this State.

Pay of commissioners.

SEC. 5. *Be it further enacted*, That the commissioners aforesaid shall receive as compensation for the performance of the duties imposed by this act not exceeding two dollars per day for the time employed, to be allowed by the county courts of Wilkes and Alexander [and] Watauga counties out of the county funds.

Oath of commissioners.

SEC. 6. *Be it further enacted*, That the said commissioners, before entering upon the duties herein imposed, shall take an oath before some justice of the peace for Wilkes, Alexander and Watauga county for the faithful performance of their duties, and shall execute a bond, payable to the State of North Carolina, in the sum of ten thousand dollars, conditioned for the proper application of the money appropriated by this act, which bond shall be approved by the county courts of Wilkes and Watauga, and deposited with [the] clerk of said court,

which bond, in case of breach of the conditions of the same, may be sued upon and recovery had thereon by the county solicitor for said county, and any sum so recovered shall be applied, under the direction of said court, to the construction and improvement of the road aforesaid.

SEC. 7. *Be it further enacted*, That any county through which said road passes may subscribe [to] the same through their county courts, which subscription shall only be made when a majority of the justices of the peace are present. Counties may subscribe.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

SHERIFFS.

AN ACT TO AUTHORIZE AND EMPOWER JAMES H. ALLEN, LATE *Chap. 151.*

SHERIFF OF BRUNSWICK COUNTY, TO COLLECT ARREARS OF TAXES DUE SAID SHERIFF FROM AND AFTER THE FIRST DAY OF OCTOBER, A. D. 1858.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That James H. Allen, late sheriff of Brunswick county, be, and he is hereby authorized and empowered to collect arrears of taxes due him from and after the first day of October, 1858, as sheriff aforesaid, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes by virtue of the laws of this State, and he shall be invested with the same power and authority for that purpose which is vested in sheriffs by the laws of this State: *Provided*, That the authority by this act granted shall not extend to persons who will voluntarily swear before any justice of the peace for said county that he or she verily believes that the arrears of taxes claimed from him or her have been paid. Authorized to collect arrears. Proviso.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year 1861, except as to such legal proceedings as may then be pending by virtue of this act. Powers limited to 1861.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 152. AN ACT TO AUTHORIZE AND EMPOWER SAMUEL BROOKS, LATE SHERIFF OF HYDE COUNTY, TO COLLECT ARREARS OF TAXES DUE HIM THE YEAR 1855.

Authorized to
collect arrears.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Samuel Brooks, late sheriff of the county of Hyde, be, and is hereby authorized and empowered to collect all arrears of taxes due him for the year 1855, which collection shall be made under the same rules, regulations and restrictions as other collection of taxes are by virtue of the laws of the State: *Provided*, That the authority by this act granted shall not extend to executors or administrators, nor to any person who will voluntarily swear before any justice of the peace for said county that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

Proviso.

Act terminates
with 1861.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and terminate with the year 1861.

SEC. 3. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 153. AN ACT TO AUTHORIZE THE SURETIES OF GEORGE W. GLASS, LATE SHERIFF OF M'DOWELL COUNTY, TO COLLECT ARREARS OF TAXES.

Sureties to col-
lect arrears.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the sureties of George W. Glass, late sheriff of the county of McDowell, who absconded from the State, and was duly removed from his office, be, and they are hereby empowered to collect from delinquent tax-payers all arrearages of taxes due from them for the years 1857,

1858 and 1859, as appears from the tax duplicates of said county for those years, and that said sureties, or any one of them, in behalf of himself and his co-sureties, may use all such means, in law or equity, for the collection of said arrearages of taxes, as said sheriff could use in person by virtue of a like act in his favor: *Provided*, That nothing in this act contained shall Proviso. apply to the estates of deceased persons whose estates have been settled by the executors or administrators, or to any person who shall make oath that the taxes claimed have been paid.

SEC. 2. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO AUTHORIZE AND EMPOWER EDWARD D. HALL, LATE *Chap. 154.*
SHERIFF OF NEW HANOVER COUNTY TO COLLECT ARREARS OF
TAXES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Edward D. Hall, late sheriff of New Hanover county, be, and he is hereby authorized and empowered to collect all arrears of taxes due him since the first day of October, 1856, as sheriff aforesaid, which collections shall be made under the same rules, regulations and restrictions as other collection of taxes by virtue of the laws of this State; and he shall be invested with the same power and authority for that purpose which is invested in a sheriff by the laws of this State: *Provided*, That the authority by this act Authorized to collect arrears. granted, shall not extend to any person who will voluntarily swear, before any justice of the peace for New Hanover county, that he or she believes that the arrears of taxes claimed from him or her have been paid, nor to the estates of deceased persons settled by executors or administrators. Proviso.

SEC. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year 1861, except as to such legal proceedings as may then be pending by virtue of this act.

SEC. 3. *Be it further enacted*, That this act shall be in

force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

Chap. 155. AN ACT TO AUTHORIZE AND EMPOWER THE SURETIES OF WM. POLLOCK, LATE SHERIFF OF THE COUNTY OF JONES, TO COLLECT ARREARAGES OF TAXES.

Authorized to
collect arrears.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the sureties of William Pollock, who was recently sheriff of the county of Jones, and who has by process of law been removed from his office, shall have and exercise the power and privilege to collect all delinquent tax payers, who have not settled their taxes for the years of '55 and '56 and '57, as now appears on the tax books of said county: *Provided,* That nothing herein contained shall apply to the estates of deceased persons, whose estates have been settled by the executors or administrators, or to any persons who shall make oath that the taxes so claimed have been paid.

Proviso.

SEC. 2. *Be it further enacted,* That it shall be lawful for said sureties, or a majority of them, to have full power to use the same means in law and equity, for the enforcement of said collections of taxes as the sheriff of said county may do, or as sureties to official bonds may under other circumstances do.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of January, 1861.*]

Chap. 156. AN ACT IN FAVOR OF J. TAPSCOTT, LATE SHERIFF OF THE COUNTY OF ALAMANCE.

Authorized to
collect arrears.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That John Tapscott, W. S. Wassor, John Olive, W. H. Collum, G. W. Crumpler, R. B. Paschal, W. W. Long, W. R. Young, J. M. Green, H. J. Jones, S. T. Bostic, Hiram Hunter, Joseph Lusk, Charles Latham, Joseph Cline,

Lewis Williamson, E. C. Grier, E. D. Hampton, N. W. Cooper, E. D. Davis, John Martin, W. H. High, James S. Snow, W. B. Crumpler, M. S. F. Read, A. C. Latham and W. Haymore, be, and they are hereby authorized to collect the arrears of taxes due them: *Provided*, Nothing herein contained shall be construed to extend to executors or administrators, or to any persons who will voluntarily swear that he, she or they have paid the same: *Provided, further*, That the privilege herein granted shall only extend to taxes due within three years next before the first day of October, 1860.

Proviso.

SEC. 2. *Be it further enacted*, That the provisions contained in the foregoing sections, be, and they are hereby extended to all other sheriffs in the State of North Carolina, and to all sheriffs who have gone out of office within three years next before the first day of October, 1860, and to the sureties of all such sheriffs as may have died or absconded or become insane within the same time. [*Ratified the 23d day of February, 1861.*]

Provisions to extend to others.

AN ACT FOR THE RELIEF OF THE SURETIES OF WM. W. WARD, *Chap. 157.*
LATE SHERIFF OF MARTIN COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the sureties of William W. Ward, late sheriff of Martin county, on his bonds executed in October, 1858 and October, 1859, be, and they are hereby empowered to collect from delinquent tax payers all arrearages of taxes due from them for the year 1858 and 1859; and for that purpose the said sureties, or a majority of them, may appoint collectors, and shall have all the powers and means for the collection of said arrearages of taxes as said sheriff could use in person by virtue of a like act in his favor: *Provided*, That nothing in this act contained shall apply to the estates of deceased persons, whose estates have been settled by executors or administrators, or any persons who shall make oath that the taxes claimed have been paid.

Authorized to collect arrears.

Proviso.

SEC. 2. *Be it further enacted*, That this act shall be in

force from and after its ratification. [*Ratified the — day of January, 1861.*]

Chap. 158. AN ACT TO AUTHORIZE AND EMPOWER WASHINGTON HARRIS, LATE SHERIFF OF FRANKLIN COUNTY, TO COLLECT ARREARS OF TAXES DUE HIM.

Authorized to
collect arrears.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Washington Harris, late sheriff of Franklin county, be, and he is hereby authorized and empowered to collect all arrears of taxes due him since the first day October, 1856, as sheriff aforesaid, which collection shall be made under the same rules, regulations and restrictions as other collections of taxes by virtue of the laws of this State: *Provided,* That the authority by this act granted shall not extend to any person or persons who will voluntarily swear before any justice of the peace for said county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

Proviso.

When act to
cease.

SEC. 2. *Be it further enacted,* That the power and authority herein granted, shall cease and determine with the year 1861, except as to such legal proceedings as may then be pending by virtue of this act.

SEC. 3. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

STEAM-PACKET COMPANIES.

Chap. 159. AN ACT TO INCORPORATE THE ALBERMARLE STEAM PACKET COMPANY.

Body corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Edward Wood, John H. Leary, Richard Paxton, Henry A. Bond, John Thompson, John Bond, Joseph Norcom, Thomas W. Hudgins, Robert R. Felton, Peter

F. White, John M. Jones, Joseph S. Jones, John Hall, John T. Mebane, James M. Sumner, Benjamin S. Skinner, John Skinner, James M. Whedbee, Hiram Freeman, John A. Anderson, James L. Anderson, Jackson B. Hare, Daniel Valentine, R. H. Shields, and such other persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of "The Albermarle Steam Packet Company," and by that name shall be in law capable of suing and being sued, pleading and being impleaded, shall have a common seal, and be invested with all the rights and privileges, and be subject to all the regulations and restrictions contained in the 26th chapter of the Revised Code, so far as the same are applicable to such a corporation, and are not inconsistent with the provisions of this act. ^{Powers.}

SEC. 2. *Be it further enacted*, That the capital stock of said company shall consist of sixty thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, divided into shares of one thousand dollars each. ^{Capital stock}

SEC. 3. *Be it further enacted*, That the said company may, in addition to the steamboat now in course of construction, build such other steamers as the wants of the company may require from time to time, employ them in conveying passengers and freight in any of the waters of North Carolina and Virginia, as may appear expedient for the interest and well being of the company. ^{Powers.}

SEC. 4. *Be it further enacted*, That the said company shall have power to hold, possess, acquire and enjoy such real and personal estate as may be necessary for the transaction of its business, and from time to time to make all necessary rules, regulations and by-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and by-laws of the State and of the United States, and said company shall have corporate existence for thirty years. ^{Powers.}

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [Ratified the 20th day of February, 1861.]

TOWNS.

Chap. 160. AN ACT TO RE-ENACT AND AMEND AN ACT OF 1854 AND '55, ENTITLED "AN ACT TO EXTEND THE LIMITS OF THE TOWN OF ASHEBORO," AND REPEAL ALL FORMER ACTS OF INCORPORATION.

Revives and
amends former
act.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the aforesaid act be, and the same is hereby revived and re-enacted, excepting the second section thereof, which is hereby amended by striking out "1855" and inserting "1861."

Licenses.

SEC. 2. *Be it further enacted,* That the county court of Randolph county shall not grant a license to any person to retail spirituous liquors, by a measure less than a quart, within the corporate limits of said town, unless such person shall first have presented to the court a recommendation, in writing, signed by a majority of the acting commissioners of said town, and requesting said court to grant a license to such person. [*Ratified the 20th day of February, 1861.*]

Chap. 161. AN ACT TO INCORPORATE THE TOWN OF BOON HILL, IN JOHNSTON COUNTY.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That a town is established in the county of Johnston, by the name of Boon Hill, and the corporate limits of said town are hereby declared to be as follows, viz: beginning at a stake in W. Edwards' field known as the Town place, and running thence north 32°, east three hundred and twenty rods, to a stake on the land of D. H. Whittly, dec'd; thence north 58°, west three hundred and twenty rods, to a stake on the same tract of land; thence south 32°, west three hundred and twenty rods, to a stake on Willie Hastings' land, near the Tarboro' road; thence south 58°, east to the beginning.

Trustees.

SEC. 2. *Be it further enacted,* That the government of said town of Boon Hill shall be vested in the following named

persons, and their successors in office, viz: Willie Hastings, James Hay, F. T. Phillips, K. B. Whittly and N. L. Whittly.

SEC. 3. *Be it further enacted*, That the commissioners and their successors in office, appointed agreeably to the directions of this act, shall be, and they are hereby incorporated into a body corporate, by the name of the "Commissioners of the town of Boon Hill," and by that name shall have succession and a common seal, with all the rights, powers and privileges granted to or invested in corporations by virtue of chapter 111 of the Revised Code of North Carolina. Commissioners
a body politic.

SEC. 4. *Be it further enacted*, That no persons shall retail spirituous liquors within the corporate limits of said town. Any person violating this act shall be guilty of a misdemeanor, and, on conviction, shall pay a fine of twenty dollars for each and every offence. Licenses.

SEC. 5. *Be it further enacted*, That an election shall be held in each and every year on the first Monday in January, by the inhabitants of said town qualified to vote for members of the House of Commons, for five commissioners, who shall hold their office for one year, or until their successors are appointed. Elections.

SEC. 6. *Be it further enacted*, That the commissioners appointed under this act shall be and continue to act as such until their successors are appointed. [*Ratified the — day of February, 1861.*]

AN ACT TO REPEAL AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF MORGANTON, IN BURKE COUNTY," AND TO INCORPORATE SAID TOWN OF MORGANTON UNDER THE LAW FOR THE BETTER GOVERNMENT OF TOWNS. Chap. 162.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That an act entitled "An act to incorporate the town of Morganton, in Burke county," passed at the session of 1838-'39, be, and the same is hereby repealed. Repeals act of
1838-'39.

SEC. 2. *Be it further enacted*, That the town of Morganton, in Burke county, be, and the same is hereby created a body politic, with full authority to use and exercise all the cor- Body politic.

porate powers and privileges granted to incorporated towns by the 111th chapter of the Revised Code, entitled Towns, and may elect such officers and manage the affairs of the corporation in such manner as the law prescribes for the better government of said town.

Licenses.

SEC. 3. *Be it further enacted*, That the county court of Burke county shall not have the power to grant or issue a license to any person or persons to retail spirituous liquors and wines within the corporate limits of said town of Morganton without he or they shall first obtain a recommendation from the board of commissioners. [*Ratified the 25th day of February, 1861.*]

Chap. 163. AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF EDENTON."

Repeals part of act of 1854'-5.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the twenty-ninth section of the act of incorporation of the town of Edenton, and the act amending the same, passed at the session of the General Assembly of 1854-'55, be, and the same are hereby repealed.

Authorizes sale of town lots.

SEC. 2. *Be it further enacted*, That the commissioners of said town shall have power to dispose of, by sale or otherwise, that portion of the town commons lying west of Main street, and to let out that portion of said commons lying east of said street, for a period not exceeding five years. [*Ratified the 20th day of February, 1861.*]

Chap. 164. AN ACT TO AMEND AN ACT ENTITLED "AN ACT FOR THE GOVERNMENT OF ELIZABETH CITY, IN THE COUNTY OF PASQUOTANK," PASSED AT THE SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA, DECEMBER 25TH, 1852.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That after the words "town taxes," in the first section of the above recited act, shall be inserted the

following, to wit: "and who shall have resided in said town for six months immediately preceding, and on the day of election, and shall have registered their names for taxation with the clerk of the corporation of Elizabeth City, in a book to be kept by him for that purpose, on or before the first day of July in each year; and all residents of said town who have no taxable property within said town to list, and are above the age of forty-five years, shall also be required to register their names as residents of said town before the aforesaid first day of July of each year, to entitle them to vote at said election for mayor and commissioners."

SEC. 2. *Be it further enacted*, That after the words "he shall receive for his services from the town treasurer," in section six of said act, shall be inserted the following: "the sum of two hundred dollars, and the fees of his office, as defined by section twenty of said act." Amendment.

SEC. 3. *Be it further enacted*, That in section nine in said act, the words, "and shall post at the courthouse door in said town," are hereby repealed; and further, that after the words, "he shall receive a salary," shall [be] inserted the following, to wit: "of one hundred dollars;" and all after that in said section is hereafter repealed. Amendment.

SEC. 4. *Be it further enacted*, That the words, "the members of all the fire companies shall be exempt from the poll tax of the town," in section eleventh of said act, be, and the same are hereby repealed. Amendment.

SEC. 5. *Be it further enacted*, That in section twelve of said act, the words "five thousand dollars" are hereby inserted in the lieu of the words "three thousand dollars," other [after the] words "he shall receive for his services;" and all after in said section are hereby repealed, and the following clause inserted in lieu thereof, to wit: "he shall receive for his services a salary of fifty dollars." Amendment.

SEC. 6. *Be it further enacted*, That after the words "new streets in said town," in section fourteenth of said act, are hereby inserted the following, to wit: "and widen and impose [improve] old ones." Amendment.

SEC. 7. *Be it further enacted*, That the eighteenth section of said act, which was heretofore, is hereby re-enacted to be Amendment.

as fully and absolutely a part of said act as though the same had never been repealed.

Duty of mayor,
&c.

SEC. 8. *Be it further enacted*, That it shall be the duty of the mayor and clerk of said corporation respectively to deliver to their successors in office all books and papers pertaining to their respective offices, and belonging to said corporation, within ten days after the qualification of their successors, under a penalty of one thousand dollars, to be recovered in the name of the corporation, and applied to its use.

Penalty.

Repealing
clause.

SEC. 9. *Be it further enacted*, That the act of assembly entitled "An act concerning hogs running in the streets of Elizabeth City, in the county of Pasquotank," ratified February 3rd, 1855, and the act entitled "An act to repeal the 18th section, and part of the 11th section of the act entitled 'An for the improvement of Elizabeth City, in the county of Pasquotank,' " passed at the session of 1852-'53, said last act ratified November 29th, 1854, be, and the same are hereby repealed.

Hogs running
at large.

SEC. 10. *Be it further enacted, &c.*, That it shall [not] be lawful for any person or persons to permit their hogs or hog to run at large in any of the streets, lanes or uninclosed parts of the town of Elizabeth City, and it shall be the duty of the constable of the corporation of Elizabeth City to take up and confine all hogs found running at large as aforesaid, and after advertising the same for sale for three days, to sell the said hogs to the highest bidder, for cash, and out of the proceeds of sale retain one dollar for each hog so taken up, advertised and sold, and the surplus, if any, pay to the owner of said hogs: *Provided, nevertheless*, That the said owner may redeem the hogs so taken up upon paying the constable fifty cents for taking up the same, and sixteen and two-third cents per day for keeping each of the said hogs.

Proviso.

SEC. 11. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day February, 1861.*]

AN ACT TO INCORPORATE THE TOWN OF ENFIELD.

Chap. 165.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners. *State of North Carolina, and it is hereby enacted by the authority of the same,* That Henry Joyner, D. B. Bell, William W. Taylor, T. L. Whibaker, Benjamin F. Whibaker, and their successors in office, are hereby appointed commissioners for the town of Enfield, in the county of Halifax; and the said commissioners, and their successors, are hereby incorporated into a body corporate and politic, by the name of the "Commissioners for the town of Enfield," and by that name are and shall be invested with all the rights, power and privileges, and Powers. shall be subject to all the duties which are specified and prescribed in the 111th chapter of the Revised Code of North Carolina, entitled "Towns."

SEC. 2. *Be it further enacted,* That the corporate limits of Boundaries. the town of Enfield shall be included in the following boundaries, viz: they shall extend for the distance of an half mile each way from the Wilmington and Weldon railroad ticket office, in said town, and down said railroad, and they shall extend six hundred yards on each side of said railroad, including a rectangle parallelogram one mile in length and twelve hundred yards in width, with the said ticket office in the centre thereof; and within those limits the said commissioners, and their successors, shall have jurisdiction.

SEC. 3. *Be it further enacted,* That it shall not be lawful Licenses. for the court of pleas and quarter sessions, for the county of Halifax, to grant license to any person to retail spirituous liquors within the corporate limits of Enfield, without his having a recommendation, in writing, from the commissioners of said town to that effect, and any license granted without such recommendation shall be void.

SEC. 4. *Be it further enacted,* That this act shall take effect from its ratification. [*Ratified the 20th day of February, 1861.*]

Chap. 166. AN ACT TO REPEAL AN ACT, ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FRANKLIN, IN MACON COUNTY, AND TO INCORPORATE SAID TOWN OF FRANKLIN UNDER THE LAW FOR THE BETTER GOVERNMENT OF TOWNS.

Repeals act of 1855.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an act, entitled "An act to incorporate the town of Franklin," ratified the 10th day of February, 1855, be, and the same is hereby repealed.

Body politic.

SEC. 2. *Be it further enacted,* That the town of Franklin, in Macon county, be, and the same is hereby created a body politic, with full authority to use and exercise all the corporate powers and privileges granted to incorporated towns by the one hundred and eleventh chapter of the Revised Code, entitled "Towns," and may elect such officers and manage the affairs of the corporation in such manner as the law prescribes for the better government of the said town.

Elections.

SEC. 3. *Be it further enacted,* That the sixth section of the twenty-ninth chapter of the Revised Code, in its application to the corporation of the town of Franklin, in the county of Macon, shall be altered, amended and modified as follows, that is to say: there shall be an election held at the courthouse in the town of Franklin, on the first Thursday in June next, and on the same day in each and every year thereafter, for the purpose of determining whether spirituous liquors shall be sold by the wholesale or retail within the corporate limits of the said town.

Licenses.

Voters.

SEC. 4. *Be it further enacted,* That at the election aforesaid in each and every year so held at the courthouse aforesaid, every person qualified to vote in the general State elections, residing within the limits of said corporation, shall be entitled to vote upon said question, which said voting shall be in manner and form as follows: Each voter shall deliver to the judges, appointed to hold said elections, a scroll of paper, upon which shall be inscribed the words "License" or "No license," which scroll shall be received by the judges of said election, and put into a box prepared for that purpose, in the manner and under the regulations prescribed for voting in the elections of members to the State legislature; the said judges

causing each voter's name to be recorded by the clerks appointed for that purpose as he shall deliver in his vote, and when all the qualified voters present shall have delivered their votes, the said judges shall proceed to examine and count the whole number of votes polled, and the judges, under their hands and seals, shall certify to the next county court of pleas and quarter sessions of said county whether a majority of the said voters [votes] were given for license or no license.

SEC. 5. *Be it further enacted*, That when it shall be certified by the judges aforesaid to the said court, that a majority of the votes thus cast were inscribed "no license," it shall not be lawful for the magistrates of said county to grant to any person or persons a license to retail spirituous liquors within the limits aforesaid; and any magistrate or magistrates voting in the said court to grant such license within the limits of said corporation, shall be liable to be indicted for a misdemeanor in office; nor shall it be lawful for any person or persons to sell, under any pretence or pretences whatsoever, within the limits of said corporation, either with or without a license, spirituous liquors in any quantity, either by the wholesale or retail, except for medical purposes, within one year after such certificate has been returned as aforesaid; and if any person or persons shall knowingly violate the provisions of this section, such person shall be subject to be indicted and fined, at the discretion of the court. Result of election.

SEC. 6. *Be it further enacted*, That at the court of pleas and quarter sessions, which shall be held for the said county on the second Monday in March next, at the courthouse in the town of Franklin, and at the same court in each and every year thereafter, the justices of said court shall appoint three competent persons as judges, residents of the said town of Franklin, who shall hold said election at the courthouse aforesaid, at the time hereinbefore specified, and make return to said county court as above provided for; and any person, so appointed as a judge, who shall fail or refuse to discharge such duty, or who shall act partially or corruptly in the discharge of the same, shall be subject to be indicted for a misdemeanor, and be fined at the discretion of the court. Judges.

SEC. 7. *Be it further enacted*, That it shall be the duty of the clerk of the county court, within five days after the ad- Duty of clerk.

journalment of said court, to issue written notices to the several persons appointed judges as aforesaid, notifying them of their said appointment, which shall be delivered instanter to the sheriff of said county, and by him forthwith served upon the respective persons to whom they are addressed; and such sheriff, for each and every failure to serve such notices, or make due returns thereon, within ten days after the same have been delivered to him, shall be subject to indictment, and to be fined at the discretion of the court: *Provided*, That when a majority of the votes cast at said election shall be inscribed "license," this act shall not in any wise apply for and during the year next ensuing such election.

SEC. 8. *Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of this act, be, and the same are hereby repealed.

SEC. 9. *Be it further enacted*, That this act shall be in force from and after its ratification, and continue for sixty years. [*Ratified the 23d day of February, 1861.*]

Chap. 167. AN ACT TO AUTHORIZE THE COMMISSIONERS OF THE TOWN OF HERTFORD TO SELL TOWN LOTS, &C.

Authority
given.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Hertford be, and they are hereby authorized to sell the town lots numbered one hundred and two and one hundred and nineteen, at public auction, upon such credit as they may deem proper, (after giving due notice of the time and place of said sale,) and the proceeds thereof they shall pay [to] the trustees of the Hertford Academy for the purpose of enabling said trustees, first, to purchase two other town lots adjacent to the academy grounds, and, secondly, to repair or improve said Academy buildings as they may deem proper. [*Ratified the 18th day of February, 1861.*]

AN ACT TO EXTEND THE LIMITS OF THE TOWN OF LEXINGTON. *Chap. 168.*

SECTION 1. *Be it enacted by the General Assembly of the* ^{Limits.} *State of North Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of the town of Lexington are hereby authorized to extend the limits of said town, from the cross street opposite the courthouse south-west two-thirds of a mile, north-east one-third of a mile, north-west and south-east one-fourth of a mile each way.

SEC. 2. *Be it further enacted,* That the commissioners shall ^{Survey.} cause the boundaries to be surveyed, and a copy of said survey filed in the office of the clerk of the county court of Davidson, and recorded among the minutes of said court.

SEC. 3. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO AMEND AN ACT TO INCORPORATE THE TOWN OF *Chap. 169.*
LINCOLNTON, PASSED AT RALEIGH, IN THE YEAR 1852,
CHAPTER 209.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Power of taxa-} *State of North Carolina, and it is hereby enacted by the au-* ^{tion.} *thority of the same,* That the commissioners of said town shall have power annually to levy and cause to be collected, in the manner prescribed in said charter, the following taxes, that is to say: (1) on every public billiard table, a tax not exceeding twenty-five dollars; (2) on every bowling alley, whether called a nine or ten pin alley, a tax not exceeding fifteen dollars; (3) on all lectures for reward, (unless the reward be for a charitable purpose,) a tax not exceeding five dollars; (4) on all Daguerrean artists or picture takers of any sort, a tax not exceeding ten dollars; (5) on all riding or pleasure vehicles in use during the year, of the value of fifty dollars and upwards, a tax of one per cent.; (6) on all gold watches usually worn during the year, (except those worn by ladies,) a tax not exceeding one dollar; (7) on all silver watches usually worn, a tax not exceeding fifty cents; (8) on all pianos in use, (except those in schools,) a tax not exceeding one dollar;

(9) on all pistols, if used at any time during the year, a tax not exceeding one dollar; (10) on all dirks, Bowie knives, or sword canes, if worn about the person, a tax not exceeding two dollars; (11) on every merchant, merchant tailor, jeweler, grocer and commission merchant, who shall sell goods, wares and merchandise, a tax not exceeding fifty dollars; (12) on every auctioneer on all goods, wares and merchandise placed in his hands by a merchant resident in the corporation, a tax of one per cent. on the amount sold by him, and if by itinerant traders, or such as are not resident of said town, five per cent. on the sales made by him; (13) on each and every pack of playing cards sold during the year, a tax not exceeding twenty cents; (14) on all livery stables, a tax not exceeding ten dollars; (15) on all persons, not residents of the corporation, engaged in putting up lightning rods, a tax not exceeding ten dollars; (16) on all public drays, carts, wagons and omnibusses, a tax not exceeding ten dollars; (17) on all resident practicing lawyers, physicians and dentists, a tax not exceeding five dollars; (18) on all county officers, whose fees shall exceed three hundred dollars, a tax not exceeding five dollars; (19) on every stud horse or jackass let to mares, a tax not exceeding twenty dollars.

Licenses.

SEC. 2. *Be it further enacted*, That no person shall sell spirituous liquors within the corporate limits of said town in a less quantity than one quart. But that any person applying, may have a license to sell spirituous liquors by the small measure, a majority of the qualified voters of said town so deciding at an election to be held for that purpose, under the control of the commissioners of said town.

SEC. 3. *Be it further enacted*, That this act shall be ratified immediately on its passage. [*Ratified the 23d day of February, 1861.*]

Chap. 170. AN ACT CONCERNING THE TOWN OF JAMESVILLE, IN THE COUNTY OF MARTIN.

Election of commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Mason Jones and H. W. Mizell be,

and they are hereby authorized to open polls of election in the town of Jamesville, in the county of Martin, on the first Monday in April next, for the election, by the legally qualified voters of said town, of five commissioners for said town; and when so elected, they shall have power to provide at what time and under whose direction such elections shall be held in future; and they and their successors in office are hereby constituted a body corporate, by the name of the "Commissioners of the Town of Jamesville," and by that name shall have all the powers, privileges and authority conferred by the public law on commissioners of incorporated towns, and by any previous law regulating said town.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO ENLARGE THE CORPORATE LIMITS OF THE TOWN OF *Chap. 171.*
MONROE AND FOR OTHER PURPOSES.

SECTION 1. *Be it enacted by the General Assembly of the* Boundaries.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That the corporate limits of the town of Monroe, in the county of Union, be enlarged and extended so as to include all within the following boundaries, viz: To begin at a walnut tree on the east side of the Charlotte road, and south of Bear Skin creek, and run south $85\frac{1}{2}$, w. 3 chains, crossing the track of the W. C. & R. Railroad to a rock; thence south $2\frac{1}{2}$, west 14 chains and 35 links, to a rock by a gum at the bend of the creek; thence n. $87\frac{1}{2}$, w. 5 chains and 40 links, to a forked white oak on the south side of said creek; thence s. 10, w. 43 chains and 50 links, to a rock; thence s. $4\frac{1}{2}$, e. $2\frac{1}{4}$ chains, to a rock; thence n. $85\frac{1}{2}$, e. 53 chains and 50 links, to a rock; thence n. $4\frac{1}{2}$, w. 25 chains, to a rock; thence n. $85\frac{1}{2}$, e. 16 chains, to a rock; thence n. $4\frac{1}{2}$, w. 47 chains and 50 links, crossing the railroad to a stake; thence s. $85\frac{1}{2}$, w. 35 chains, to a rock near [the] bend of the creek; thence n. 57, w. 16 chains, to the beginning.

SEC. 2. *Be it further enacted*, That all unimproved farm lands, or lands not laid off into town lots included within the Exemption of
certain lands
from taxation.

corporate limits of said town, be, and they are hereby exempted from any taxes which may be levied on real estate by the board of commissioners for said town, nor shall said farm lands, whether improved or not, be subject to any town ordinance against stock running at large.

Licenses.

SEC. 3. *Be it further enacted*, That no license to retail spirituous liquors in said town shall be granted by the county court, unless upon the recommendation of a majority of the commissioners of said town.

Commissioners.

SEC. 4. *Be it further enacted*, That Hugh M. Houston, John P. Houston, J. F. Hough, Thomas D. Winchester and Dr. F. Hayden, be, and they are hereby appointed commissioners, to locate and establish a beginning corner of the present incorporation, and to establish the streets and alleys in said town, and to erect durable rock posts and corners at the intersections of the main streets and alleys, with as little damage as may be to the owners of real estate, which damage shall be assessed by five disinterested freeholders, summoned by the sheriff of the county. The said damages and costs for assessing the same to be paid by the corporation: *Provided*, That either party being dissatisfied with the assessment, may appeal as in other cases to the county or superior courts.

French Broad
branch.

Powers.

SEC. 5. *Be it further enacted*, That alley B., in the present corporation, be, and the same is hereby condemned, and the said commissioners are hereby authorized and empowered to close the same and sell said alley B. and any other unsold lots or parts of lots belonging to said corporation; to receive the purchase money arising from said sales for the use and benefit of the town, and to make and convey title to the purchaser therefor. The said commissioners shall also have power and authority to lay off and establish a new alley in lieu of alley B., and running parallel to it, and to lay off and establish any other streets in the enlarged boundaries they may deem necessary and proper, interfering as little as possible with any inclosures, and paying the owners such damage as may be assessed by five disinterested freeholders, as above specified.

Powers.

SEC. 6. *Be it further enacted*, That the commissioners of said town, shall and may levy taxes on the real estate in said corporation (not including farming and unimproved farm lands), not exceeding twenty-five cents on the one hundred dollars'

worth of the real estate, and not exceeding fifty cents on the poll.

SEC. 7. *Be it further enacted*, That the town of Monroe is hereby vested with all the powers, rights, privileges and immunities enumerated in chapter 111 of the Revised Code, entitled "Towns," except where the provisions in said 111th chapter are inconsistent with the provisions in this act contained, and that all laws and clauses of laws heretofore made, coming in conflict with the provisions in this act contained, be, and the same are hereby repealed.

SEC. 8. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

AN ACT TO INCORPORATE THE CITY OF MOREHEAD.

Chap. 172.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That B. Arendell, Mayor, David S. Jones, J. W. Collins and Wm. H. Cunningham, jr., be, and they are hereby appointed mayor and commissioners for the city of Morehead, in the county of Carteret, and said commissioners and their successors in office, chosen in the manner hereinafter provided for, be, and they are hereby created a corporation and body politic, under the name and title of "The Commissioners for the City of Morehead," and as such they are entitled to all the privileges and immunities of a body corporate, to hold property, to contract and be contracted with, to sue and be sued, to plead and be impleaded in their corporate name, and have a common seal to make such by-laws and regulations as they, or a majority of them, may deem necessary for the good order and government of said city, and for the improvement of streets and the preservation of health; to lay and collect taxes only for the necessary support of public and city government: *Provided*, That said commissioners, or a majority of them, shall not lay a tax of more than one and a half dollars on the poll, or fifty cents on the hundred dollars' valuation annually, and to transact any business in their corporate capacity through the agency of the officers of the city, to be appointed

in manner and form as provided for by the act of General Assembly, Revised Code, chapter 111.

Eligibility to
office.

SEC. 2. *Be it further enacted*, That no person shall hereafter be eligible to the office of commissioner of said city, unless he shall have resided therein at least twelve months immediately preceding his election, and shall have possessed and continues to possess within the corporate limits of said city, a freehold in lands and tenements of the value of not less than five hundred dollars, according to the value of the same for taxation; and no person shall be entitled to vote in any election for commissioners of said city except freeholders, whether resident or non-resident, and free white men, of the age of twenty-one years, who shall have resided in said city for six months immediately preceding such election, and shall have paid all the taxes imposed upon him by the commissioners which are due and payable.

Oath of office.

SEC. 3. *Be it further enacted*, That the said commissioners, appointed by the first section of this act, shall each of them take an oath of office before some magistrate of the county, on or before the 1st day of March next, and shall continue to hold their offices, as commissioners for the city of Morehead, until an election for a new board shall have taken place as hereinafter provided for, and until said commissioners, so elected, shall have been duly qualified.

Board.

SEC. 4. *Be it further enacted*, That the board of commissioners for said city, be composed of a mayor and four commissioners, who shall be elected annually on the first Thursday in May.

Election.

SEC. 5. *Be it further enacted*, That it shall be the duty of the sheriff of Carteret county to advertise the time of holding said election for commissioners at two or more places in said city, ten days previous thereto, and the said sheriff shall summon two freeholders, residents of said city, who, together with himself or deputy, shall hold the election in some public place in said city, to be designated by the commissioners for the time being, and shall keep the polls open from twelve o'clock, A. M., to four o'clock, P. M., and it shall be the duty of the sheriff or deputy, to serve the persons, so elected as commissioners, with notice of their election within five days thereafter, and, on failure of any of the above duties enjoined

on the sheriff, he shall, on conviction before any magistrate of the county, forfeit and pay the sum of fifty dollars; and each freeholder refusing or neglecting to assist the sheriff, or his deputy, in holding such election, shall be subject to a penalty of five [dollars], to be recovered in like manner; which penalties, when collected, shall be paid into the hands of the treasurer of the city, to be applied as the commissioners may direct.

SEC. 6. *Be it further enacted*, That the corporate limits of said city shall embrace the entire plan of the city of Morehead, as published by "The Shepard's Point Land Company," and from the terminus of the Atlantic and North Carolina Railroad Company to Fifteenth street. [*Ratified the 20th day of February, 1861.*]

AN ACT TO AMEND THE CHARTER OF THE TOWN OF NEWBERN, *Chap. 173.*
CHAPTER 31.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the commissioners of the town of Newbern, or a majority of them, shall have full power and authority to levy a tax annually on the inhabitants of said town, and the real estate within the limits thereof, sufficient for the purposes mentioned in said chapter: *Provided*, The said tax shall not exceed the sum of two dollars on each taxable poll, nor the sum of one dollar on each one hundred dollars' value of real estate in any one year.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

Chap. 174. AN ACT TO INCORPORATE THE TOWN OF ROCKINGHAM, IN RICHMOND COUNTY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the town of Rockingham, in the county of Richmond, is hereby incorporated into a body politic and corporate, by the name and style of "The commissioners of the town of Rockingham."

Powers, &c.

SEC. 2. *Be it further enacted,* That the town of Rockingham is hereby vested with all the powers, rights, privileges and immunities, and subject to all the restrictions enumerated in chapter 111 Revised Code, entitled "Towns."

Corporate limits.

SEC. 3. *Be it further enacted,* That the corporate limits of the town of Rockingham shall extend as follows: Four hundred yards north and south of the court-house in said town; three hundred and fifty yards west, and one half mile east of said court-house.

Licenses.

SEC. 4. *Be it further enacted,* That a majority of the qualified voters for commissioners of said town shall have power to decide whether it shall be lawful to sell spirituous liquors within the limits of said corporation; and for the purpose of ascertaining the will of said voters, it shall be the duty of the sheriff of the county of Richmond, by himself or by his lawful deputy, or in the absence of both, the coroner of the county, on such day as the county court shall think proper to name for the first election for commissioners of the town of Rockingham, to open polls under the same inspection, rules and regulations, and of the same notice, as required by law, in the election of commissioners. The voters who may wish spirituous liquors sold within the limits of the corporation shall vote a ticket or scroll, on which shall be written "liquor;" the voters who shall be opposed to the sale of spirituous liquors within said limits, shall vote a ticket or scroll, on which shall be written "no liquor." The inspectors for the election of commissioners shall be the inspectors in this election; and it shall be the duty of the said inspectors to make a full and complete return of the list of votes, and a number of votes polled, to the next county court, of the said election; and the said court shall compare the polls; and if a majority of the votes cast shall be

"no liquor," then it shall not be lawful for any person or persons to sell spirituous liquor within the limits of the corporation of the town of Rockingham, and the same shall be made a record of the court.

SEC. 5. *Be it further enacted*, That in case a majority of the votes so cast shall be "*liquor*," then the county court of Richmond county shall not grant license to any person to retail spirituous liquors by a measure less than a quart within the corporate limits of said town, unless such person shall first have presented to the court a recommendation in writing, signed by a majority of the acting commissioners of said town, and requesting said court to grant license to such person. Licenses.

SEC. 6. *Be it further enacted*, That any person violating the provisions of section 4, by retailing spirituous liquor within the limits of the corporation of the town of Rockingham, shall be considered guilty of a misdemeanor, and may be prosecuted in any court having cognizance thereof. Retailing without license.

SEC. 7. *Be it further enacted*, That this act shall be in force from its ratification. [*Ratified the 23rd day of February, 1861.*]

AN ACT TO AMEND THE CHARTER OF THE TOWN OF SALISBURY, *Chap. 175.*
AND TO ESTABLISH THE CORPORATE LIMITS OF SAID TOWN.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the corporate limits of the town of Salisbury shall hereafter be as follows: Begin at the centre of the site of the old court-house, and run four lines, one north of west, along and parallel with the street, two thousand seven hundred and twenty (2,720) feet; another south of east, along and parallel with the street, two thousand seven hundred and twenty (2,720) feet; another south of west, along and parallel with the street, three thousand one hundred and sixty-five (3,165) feet; another north of east, along and parallel with the street, three thousand six hundred and fifty-five (3,655) feet. And the corporate limits of said town shall be comprised within a parallelogram included within four lines, run at right angles to said lines at the terminations thereof, and Corporate limits.

extending each way until they intersect each other respectively.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 176. AN ACT TO CONSOLIDATE THE VARIOUS ACTS HERETOFORE PASSED TO INCORPORATE THE TOWN OF STATESVILLE, IN THE COUNTY OF IREDELL.

Corporate
limits.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the corporate limits of the town of Statesville, in the county of Iredell, shall be included within the following boundaries, to wit: Beginning at a black oak on J. F. Alexander's [land] near the Salisbury branch; thence south 66° , west running 8 poles, south of the south east corner of the present town plat 105 poles, to a stake on S. R. Bell's land; thence south 24° , east 86 poles, crossing the W. N. Railroad, to a stake; thence south 66° , west 500 feet, to a stake; thence north 24° , west 86 poles, to a stake; thence south 66° , west 211 poles, to a stake; thence north 24° , west 204 poles, to a stake; thence north 66° , east 345 poles, to a stake; thence south 24° , east 204 poles, to the beginning.

Commission-
ers, &c.

SEC. 2. *Be it further enacted*, That the present town magistrate and commissioners, to wit: R. F. Simonton, Esq., town magistrate, and Hugh Reynolds, John A. Rosbrough, M. F. Freeland and James S. Ricard shall continue in office and perform all the duties thereof, until their successors shall be elected as hereinafter provided.

Body politic.

SEC. 3. *Be it further enacted*, That the said town magistrate and commissioners are hereby declared and constituted a body corporate and politic, under the name and style of the "Commissioners of the town of Statesville," and as such may sue and be sued, plead and be impleaded, have and use a common seal and change the same at pleasure, and have perpetual succession; and said town magistrate, acting as one with the other commissioners, shall have power and authority to adopt all such rules, regulations and by-laws as they, or a majority

of them, may deem necessary, to promote the interest and insure the good order and government of said town; for the improvements of the streets, and the preservation of health in the same; and to make all such other regulations as the interest, comfort and convenience of the citizens may require. Said commissioners shall also have power to levy and collect a tax from all the retailers of spirituous liquors within the limits of said corporation, all nine pin or ten pin alleys, circus companies, animal shows, organ grinders, sleight of hand performances, auctioneers, and all and every person or persons, company or companies, who may exhibit, sing, play, act or perform, or do any thing for which they charge or receive any gratuity, pay, fee, or reward whatsoever, within the limits of said corporation: *Provided*, The same shall not be inconsistent with the Constitution of the United States, or of this State; and said commissioners shall have power to appoint a town clerk, who shall hold his appointment for one year only, whose duty it shall be to record all the proceedings of the commissioners in a well bound book, kept by him for that purpose. He shall also act as treasurer for said corporation, and shall give bond and security in the sum of five thousand dollars, made payable to the State of North Carolina, and conditioned for the safe keeping of all moneys that may come into his hands as treasurer, and for paying out the same as ordered by the commissioners, and for the faithful performance of his duty as clerk. They shall also have power to appoint a town constable, whose duty it shall be to collect all the taxes levied under this act and fines imposed by said commissioners, and forfeitures incurred by the violation of any of the by-laws passed by said commissioners; and he shall give bond and security in the sum of five thousand dollars, payable to the State of North Carolina, and conditioned for the collection of all taxes levied under this act, and the collection of all such claims, and for the service of execution of all such process as may be placed in his hands by the commissioners or given him by their order, and for the punctual paying over of the same to the treasurer above named, and for the faithful performance of his duty as town constable; and said constable, so appointed, shall hold his appointment for one year only, and shall have the same powers and privileges as other constables,

and shall have, use and exercise all lawful ways and means, which are usually had, used or exercised by the several sheriffs of this State, and be subject to the same liabilities that they are, in the performance of their duties, in the collection of the public revenue; and the above named bonds, when executed as above directed, shall be filed in the county court clerk's office for safe keeping; and for a breach of the conditions of either of the above named bonds, the commissioners shall have the same remedies as are usually had on clerk's and constable's bonds.

Elections.

SEC. 4. *Be it further enacted*, That it shall be lawful for the citizens, who live within the corporate limits of said town, to meet at the courthouse, on the last Monday in February, 1861, and every two years thereafter on the same day, and elect a town magistrate and four commissioners, who shall hold their offices for two years from the time of their election, and until their successors shall be elected and qualified; and it shall be lawful, in case of the death or removal of the town magistrate or any of the commissioners, for the board of commissioners to appoint their successors for the remainder of their term of office; and it shall be the duty of the sheriff of said county to give ten days' notice, at the courthouse door, previous to said election of town magistrate and commissioners, and to hold the same under the same rules, regulations, restrictions and penalties that elections are now held for members of the General Assembly; and he shall determine who is elected, and shall furnish the town clerk with a certificate of the election, which the clerk shall copy into the book in which he records the proceedings of the commissioners of Statesville; and such entry, so made by the town clerk, shall be conclusive evidence of the election of such persons to the offices therein named.

Eligibility to office.

SEC. 5. *Be it further enacted*, That any free white male citizen of the age of twenty-one years, within the corporate limits of said town, and who shall have paid a poll tax, and being a resident therein for six months before the day of election, shall be eligible to the office of commissioner; and any person elected or appointed town magistrate or commissioner, under the provisions of this act, refusing to act, failing or neglecting to qualify by taking the oath of office for two months after such election or appointment, shall forfeit the

sum of fifty dollars, for the benefit of said corporation, for every such failure or refusal, which sum shall be recoverable by warrant before any justice of the peace in and for said county, in the name of the State of North Carolina, to the use of the commissioners of Statesville, to be applied by them to the use of the corporation: *Provided, nevertheless*, That no person shall be compelled to serve as town magistrate or commissioner more than two years out of four; and every white male citizen of the age of twenty-one years, who has lived in said town three months immediately preceding the day of election, and paid public tax in [in] the State, shall be entitled to vote in said election.

SEC. 6. *Be it further enacted*, That the town magistrates Taxes. and commissioners, or a majority of them, are hereby authorized and empowered annually, on or before the first Monday in May, to levy and collect a tax for the purpose of carrying out the provisions in section three of this act, upon real estate, polls, and on all the nett interest received or accrued on money loaned, and on all other kinds of property, and upon everything else, whether it be property or not, of every kind or nature whatsoever, that now is or hereafter may be subject to taxation under the revenue laws of this State, that is within the limits of said corporation.

SEC. 7. *Be it further enacted*, That said town magistrate May subscribe to works of internal improvement. and commissioners, or a majority of them, shall have full power and authority, by and with the consent of a majority of the voters within the limits of the corporation of the town of Statesville, to subscribe a number of shares to the capital stock of any work or works of internal improvement in which they may have an interest, a sum not exceeding thirty thousand dollars.

SEC. 8. *Be it further enacted*, That before said subscrip- People to vote thereon tion authorized in the foregoing section shall be made, it shall be the duty of the town magistrate and commissioners of the town of Statesville to ascertain, by the popular vote of the citizens thereof entitled to vote under this act, their wishes in relation thereto; and it shall be the duty of the town magistrate and commissioners of said town to advertise, in one or more newspapers, for the space of twenty days, and also at the courthouse in said town, appointing a certain day and place to

hold an election, to be managed in the same manner, and by the same officer, and under the same rules, liabilities and penalties which the election of town magistrate and commissioners are to be held under this act; those voting in the affirmative of the proposition shall write on a ballot or on a ticket the word "*Tax*;" those voting in the negative the words "*No tax*."

Returns of poll.

SEC. 9. *Be it further enacted*, That it shall be the duty of the sheriff or officer holding the election, according to the foregoing section, to make due returns to the town magistrate and commissioners of the result of the election, and if a majority of the voters within the limits of said corporation shall have voted for taxation, then it shall be the duty of the said town magistrate and commissioners to issue coupon bonds, signed by the town magistrate and commissioners, [and] by the town clerk and treasurer, in sums not exceeding five hundred dollars, bearing interest six per cent., payable semi-annually, and redeemable within twenty years from the dates thereof, at any point or points within the State: *Provided, always*, That before the issuing of said bonds as aforesaid, it shall be the duty, and it is hereby expressly required, that the town magistrate and commissioners shall levy a tax on the citizens thereof who are subject to the same, and on all the subjects of taxation that are now or may hereafter be included in section six of this act, sufficient in amount to discharge the interest on said bonds, and likewise a sum sufficient to liquidate the principal of said bonds as they shall from time to time fall due.

Collector.

SEC. 10. *Be it further enacted*, That it shall be the duty of the town constable to collect the taxes levied under the foregoing section for internal improvement purposes, and pay over the amount collected to the town clerk and treasurer, to be applied by him, under the order of the town magistrate and commissioners, to the discharge of the principal and interest of the coupon bonds as it may from time to time fall due; said town constable, clerk and treasurer shall be liable upon their respective bonds for any failure in the performance of their duties in this section required.

Assessment of
taxes.

SEC. 11. *Be it further enacted*, That whenever the town magistrate and commissioners shall think it proper to levy a

tax for the purpose mentioned in the ninth section of this act, then it shall be the duty of said town magistrate and commissioners to cause such tax to be separately assessed, and the town constable shall give to every person paying such tax a separate receipt, specifying the particular sinking fund to which it is applicable, and the true date of such payment; and all such receipts shall be assigned, and whenever any person shall produce to the town magistrate and commissioners their sinking fund receipt as aforesaid, which, together with simple interest computed thereon from their respective dates, shall, in the aggregate, amount to one share of the capital stock in the work of internal improvement subscribed to by the commissioners, and for which this said tax was levied, the person producing the same shall be entitled to one share of the capital stock of said work, belonging to the said town magistrate and commissioners; and the town magistrate and commissioners being thereto requested, shall, upon all and every such case, cause one share of the stock of said town magistrate and commissioners in such work of internal improvement to be transferred or assigned to the party producing said receipts to them, or their successors or appointees, as they may desire, and said receipts shall be delivered up to be cancelled.

SEC. 12. *Be it further enacted*, That a majority of said Quorum. commissioners shall constitute a quorum for the transaction of business, and shall also have power to call a meeting when they deem it necessary, and at all meetings of commissioners, in the absence of the town magistrate, they shall appoint one of their own number chairman; and the town magistrate, who shall be a justice of the peace in and for said county, shall preside at all meetings of the commissioners when he is present; he shall also have power to call meetings when he may deem it necessary, and shall have power to issue warrants against all persons who may violate the laws of the corporation, and hear and determine the same; it shall be his duty to superintend all improvements and works ordered by the commissioners, and see that the laws are observed, and shall have power to have any person or persons arrested who may behave themselves in a disorderly manner within the corporate limits of said town, and may sentence the offender or offenders to pay a fine not exceeding twenty dollars, and enter up judg-

ment and execution for the same. All such fines, when collected, to be for the use of the corporation. And the commissioners shall have power to grant to the town magistrate such compensation as they may deem proper for his services as such.

Taxes to be
listed.

SEC. 13. *Be it further enacted*, That it shall be the duty of every person residing or owning property within the corporate limits of said town to deliver, on oath, to the town magistrate, on or before the first Monday in June in each and every year, a list of taxable polls that may be members of his or her family at that time; also, a statement of all the real property, together with a list of all other subjects of taxation included within this act which he or she may own, or which they may have control of as trustee or guardian, or in any other way; and any person failing to give in, as above required, either or both of those statements, shall forfeit the sum of fifty dollars for the use of the corporation, recoverable in the name of the commissioners of Statesville, by warrant before any justice of the peace in and for said county. It shall also be the duty of the town magistrate and commissioners to appoint three citizens of said town assessors, whose duty it shall be, on being furnished with the returns of the real property in said town to the town magistrate, [to] proceed to assess the same at its full cash value, and return the same, in writing, to the town magistrate, on or before the first day of July in each and every year; and said assessors shall hold their office for two years; and it shall be the duty of the town magistrate and commissioners to make such appointment every two years, and to fill all vacancies in the board of assessors which may happen by death, removal or otherwise; and should any person appointed assessor as herein provided refuse to act, or fail to qualify by taking an oath of office, for one month after his appointment, such person or persons shall forfeit the sum of fifty dollars to the use of the corporation, recoverable before any justice of the peace in and for said county, by warrant in the name of the commissioners of Statesville.

Fees of town
clerk, &c.

SEC. 14. *Be it further enacted*, That the town magistrate and commissioners shall have power and authority to regulate the fees of the town clerk and constable, to open such new streets as they may consider necessary, [and] assess the

damage which any person may sustain by such new streets passing over their land: *Provided, nevertheless,* Should any persons or persons, whose land may be taken for the purpose of such new streets, be dissatisfied with the assessment of damage by said commissioners, they may appeal from their decision to the county or superior courts for the said county.

SEC. 15. *Be it further enacted,* That if the sheriff should fail or neglect to perform his duty in holding the election for town magistrate and commissioners, as required by the provisions of this act, for every such failure he shall forfeit the sum of two hundred dollars, to the use of the corporation, recoverable by warrant, in the name of the commissioners of Statesville, before any justice of the peace in and for said county.

Failure of
sheriff to hold
elections.

SEC. 16. *Be it further enacted,* That it shall be the duty of the town clerk to advertise five days all the by-laws passed by the commissioners of Statesville, at the courthouse door, and no by-law, rule or ordinance shall take effect until after such advertisement.

By-laws to be
advertised.

SEC. 17. *Be it further enacted,* That the town clerk and town constable shall receive such fees for their services as said commissioners may allow, and no other; and any one appointed town clerk or town constable by the said commissioners, under the provisions of this act, and shall fail, neglect or refuse to act, shall thereby forfeit fifty dollars, to the use of said corporation, recoverable in the same name as provided for in the 15th section of this act.

Fees.

SEC. 18. *Be it further enacted,* That if the said town magistrate and commissioners shall permit the streets or side-walks or roads within the corporate limits of said town to get out of order, and remain so as to become a nuisance, or shall permit any nuisance to exist in said limits, which they have the power to remove, shall be liable to indictment in the county or superior courts, and, on conviction, shall be fined, at the discretion of the court.

Streets and
side-walks.

SEC. 19. *Be it further enacted,* That all laws heretofore passed for the better regulation of the town of Statesville, coming within the meaning and purview of this act, be, and the same are hereby repealed.

SEC. 20. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 26th day of January, 1861.*]

Chap. 177. AN ACT TO ALLOW THE COUNTY TRUSTEES TO SELL CERTAIN PROPERTY IN THE TOWN OF STATESVILLE.

Authority to
sell.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the court of pleas and quarter sessions of the county of Iredell, not less than twelve of the justices of said county being present holding said court, shall have authority and power to dispose of and sell the lot in the town of Statesville whereon the jail of said county is situated, and shall [have] power to effect such sale through John A. Rosebro, the trustee of said county, or his successors, and that the said county court shall have power to authorize a sale or disposition of said lot and jail at public or private sale; the proceeds of the sale of said [lot and jail] shall belong to the county of Iredell, and [be] subject to the disposition and application of said county court for the use of said county, and a deed executed by the chairman of the said county court to the purchaser shall transfer and invest in the said purchaser all the right and interest of Iredell county in said lot and jail.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23rd day of February, 1861.*]

Chap. 178. AN ACT TO REVIVE AND AMEND AN ACT TO INCORPORATE THE TOWN OF THOMASVILLE.

Act revived.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That an act entitled "An act to incorporate the town of Thomasville," passed in the years 1856 and '57, chap. 107 Laws of North Carolina, be revived and so amended that no person shall be permitted to sell spirituous liquors (except for medical purposes) in the town of Thomas-

ville, without first obtaining a license of the town commissioners, and paying such tax as said commissioners shall impose.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO AMEND THE ACT INCORPORATING THE TOWN OF WAR- *Chap. 179.*
SAW, AND FOR THE BETTER GOVERNMENT OF SAID TOWN.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Corporate limits.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That a town is hereby established in the county of Duplin, by the name of Warsaw, with the following metes and bounds, viz: Beginning at a point in centre of W. & W. R. Road, where the old Tucker line crosses said road, being S. L. Gavins' corner, and runs first, south 72, west 86 poles, to a stake; thence north 72, east 86 poles, to W. & W. R. Road; thence same course north 72, east 114 poles, to a stake; thence south 18, east 204 poles, passing along the eastern boundary of Mrs. M. Gordon's lot to a stake; thence south 72, west 114 poles, to the beginning.

SEC. 2. *Be it further enacted*, That the government of ^{Commissioners.} said town of Warsaw shall be vested in the following persons, and their successors in office: Walter R. Bill, S. R. Bowden, James T. Mathias, Bryant Brown and John W. Swinson.

SEC. 3. *Be it further enacted*, That the commissioners and ^{Body corporate.} their successors in office, appointed agreeable to the directions of this act, shall be, and they are hereby incorporated into a body corporate, by the name of the "Comissioners of the town of Warsaw," and by such name shall have succession and a common seal, sue and be sued, and shall have power from time to time to make such rules, by-laws and ordinances as to them, or a majority of them, may seem proper for the good government of said town, to appoint a town clerk, constable, patrol, and overseer of streets, and to make such allowance to said officers, by fee otherwise, as said commissioners may determine; that said commissioners shall have full power to repair the streets and lay out or alter the same: *Provided*, it does not

interfere with any dwelling or yard; they shall have full power to assess and collect taxes upon all taxable property within the limits of said town, and to do all other acts that may be deemed needful for the good government and management of said town.

Election.

SEC. 4. *Be it further enacted*, That an election shall be held in each and every year on the first Monday in February by the inhabitants thereof qualified to vote for members of the House of Commons, for five commissioners, who shall hold their office for one year, or until successors are appointed.

SEC. 5. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act be, and the same are hereby repealed.

SEC. 6. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23rd day of February, 1861.*]

Chap. 180.

AN ACT CONCERNING THE TOWN OF WILMINGTON.

Preamble.

Whereas, The amount required annually to meet the expenses incident to the proper government of the town of Wilmington, to pay the interest accruing on the debt of said town, and to provide a sinking fund for the payment of such debt, cannot be raised by the taxes which the commissioners of said town are now employed to levy and collect, without imposing most unequal and oppressive burdens on the real estate and polls within said town; *and whereas*, it is right and proper that all who, in the prosecution of their respective callings and occupations, enjoy the peculiar protection and privileges secured by the municipal laws and police regulations of a town, should contribute towards the expenditures necessary for the due administration of such laws, and towards the payment of such debt as may have been incurred for the common benefit of all who are citizens of such town:

Power of commissioners to levy taxes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the commissioners of the town of Wilmington shall have power to levy and cause to be collected annually, at such times during each year as to them may seem expedient,

such taxes as to the commissioners of the town of Wilmington shall seem fair, equitable and right on the professions, callings, trades, occupations and other business carried on in said town, and hereafter specified or referred to, and on the articles of personal property used in said town, and hereafter designated or referred to; that is to say, on every merchant doing a wholesale and retail business, or wholesale business alone, or a retail business alone, on every commission merchant, on every broker, or produce-broker, every note-shaver, negro-trader, every insurance company, or their agents, whether such agents be resident or itinerant, all portrait or miniature painters, Daguerrean artists, or other picture-takers, all resident practicing lawyers, physicians and dentists, and all itinerant dentists, State and county officers, and officers and agents of incorporated companies, and all clerks or employees of other persons or corporations, whose salary of [or] fees shall be eight hundred dollars; every grocery, confectionery, fruit store, shoe-store, jewelry store, book store, grain and feed store, on every keeper of a coal, or wood, or lumber yard, on every distillery, on every brewer of malt liquors, on beer, ginger pop, on every saw mill, planing mill, sash and blind factory, ship carpenter or chandler, apothecary, upholsterer, auctioneer, barber, every marble yard, every iron or brass foundry, manufacturers or dealers in tin wares, venders of musical instruments, on every express company, or agent of such company, banker, retailer of fresh meat of any kind, in any quantity less than the whole animal at any place other than the public market, all persons who shall receive orders, or display goods by sample, or sell goods in any manner; every architect or master builder, or other persons taking contracts, of whatever nature, as contractors or sub-contractors employing two or more hands; on every manufactory of gas for sale, every ship yard, marine railway, every tannery, every hat store, every pedlar, on every harness and saddlery store, paper manufactories, on every printing office doing job work, every establishment where slaves are kept for sale, or by a dealer in slaves, every keeper of a ware-house where produce, goods, wares or merchandise are received, on storage, on every billiard table, whether public or private, every ten pin alley, every pistol gallery, every tug boat plying in the waters of the port, every horse or mule drover, all lec-

tures for reward, unless the reward be wholly devoted to some literary or charitable purpose, on all establishments for the sale of carriages, buggies, sulkies, or any other riding or pleasure vehicles, on all gold or silver watches usually worn during the year by any citizen of said town, on all pistols, dirks, bowie-knives or sword-canes, if worn about the person at any time during the year, on every grist-mill, on all slaves sold at public auction or private sale by or on account of non-residents; venders of patent rights of any kind.

Taxes on professions, &c.

SEC. 2. That the commissioners of the town of Wilmington may, from year to year, fix the sums and rates of the taxes on the several professions, callings, trades, occupations, and other subjects of taxation embraced in this act, of the sums and rates so fixed during any year may continue from year to year unless altered, and the said commissioners shall have power to make all such ordinances which to them may or shall seem expedient, in reference to the payment and time of paying such taxes, the issuing of license to the persons liable for the payment of the same, the terms of such licenses, and the penalties for the breach of the same, and the penalties for such non-payment of such taxes.

Failure to pay tax.

SEC. 3. If any tax, laid or fixed as aforesaid, or any tax due to said town, shall not be paid by the person or persons liable therefor, on or before the day fixed for the payment of the same by the ordinance of the commissioners of the town of Wilmington, the same may be collected by the tax collector of said town, together with such penalty or penalties as may have been incurred by the party so in default; and such tax collector is hereby invested with all the powers and remedies in the collection of the taxes due to said town, whether the same be liable under this act or any other act, with which sheriffs are invested by the eighty-seventh section of chapter ninety-nine, entitled "Revenue," of the Revised Code of this State; and as a cumulative remedy, if any tax, laid under the provisions of this act, shall not be paid as aforesaid by the person or persons liable therefor, any judge of the courts of equity of this State shall, on application to him by bill or petition in equity, and affidavit made by any officer or any citizen of the town of Wilmington that said tax has not been paid by the person or persons liable therefor, issue a writ of injunction

in favor of the commissioners of the town of Wilmington, injoining said person so in default from all further pursuit or practice of the professions, callings, or other business pursued or practiced by him, and upon which such tax is laid, until such time as said tax shall have been fully paid and discharged, together with the costs of such proceedings in the court of equity.

SEC. 4. That the commissioners of the town of Wilmington may erect and provide one or more magazines for the storage of all gunpowder brought to the said town or its vicinity, and intended for sale in said town, or intended for transportation to some other place, and may, by such ordinances as they may make, compel all such gunpowder to be stored in such magazines, and regulate the price of such storage. [*Ratified the 20th day of February, 1861.*]

TURNPIKES.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A TURNPIKE ROAD *Chap. 181.*
FROM "MITCHEL'S HIGH PEAK," ON THE BLACK MOUNTAIN,
TO INTERSECT SOME ONE OF THE RAILROADS IN BUNCOMBE
COUNTY.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Andrew J. Greenwood, John S.
Carter, Joseph Bormard, Madison Greenwood, John Brigman,
John R. Hemphill, James Davis, John W. Woodfin, William
H. Baily, William Stepp and Alexander Porter, be, and they
are hereby appointed commissioners, with power and authority
to open books and receive subscription to the amount of ten
thousand dollars, which shall constitute the capital stock of Capital stock.
the company hereby incorporated, for the purpose of marking
out and constructing and keeping in repair a turnpike road,
leading from "Mitchel's High Peak," on the Black Mountain,
to some one or more of the public roads, in Buncombe county;
and that any three of the persons in this section named, may
open books and receive subscriptions.

SEC. 2. *Be it further enacted,* That the aforesaid capital

Amount of
shares.

stock shall be divided into shares of twenty dollars each; and as soon as one thousand dollars of the stock [it] shall be subscribed, it shall be the duty of said commissioners, or any three of them, to notify the stockholders, by advertisement, to require their attendance at some time and place, as they may designate, and if stockholders holding a majority of the shares subscribed shall attend the said general meeting, it shall and may be lawful for the stockholders to appoint a president, treasurer and directors for the term of one year, and until the next general meeting of stockholders; and the president and directors, when so appointed, and their successors in office, shall constitute a body politic and corporate, by the name of the "*Black Mountain Turnpike Company*," and may sue and be sued, plead and be impleaded, and as such shall have perpetual succession and a common seal, and have all other powers, rights and privileges necessary to effectuate the objects of the corporation hereby created.

President and
directors.

Vote of stock.

SEC. 3. *Be it further enacted*, That the number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall own, in the proportion following, to wit: For one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding twenty, one vote; and for every eight shares thereafter, one vote.

Commissioners
to locate road.

SEC. 4. *Be it further enacted*, That the owners of a majority of all the shares subscribed, shall have power to appoint commissioners to lay off and make a location of said road, and make and ordain all by-laws for the government and regulations of said company and the officers thereof, and shall have authority, at any time, to remove from office the president and directors of said company, or any of them, and appoint others in their stead, and shall, from time to time, in general meeting, [make] all such by-laws, rules and regulations as may be necessary for the well ordering and better regulation of the affairs of said company, not inconsistent with the constitution and laws of the State and the United States. It shall be the duty of the president, to make a full and fair statement of the affairs of the company, at said general meeting of the stockholders,

and to employ such agents and officers as the affairs of the company may require.

SEC. 5. *Be it further enacted*, That it shall be the duty of the treasurer, to receive all moneys due the company; to keep a fair account of the same, and to perform all such duties as may, from time to time, be assigned to him by the stockholders, Duty of treasurer.

SEC. 6. *Be it further enacted*, That the stockholders, at their first general meeting, shall fix on the terms and proportion in which stock subscribed shall be paid, and shall have further power to declare the stock of delinquent stockholders forfeited. Payment of stock.

SEC. 7. *Be it further enacted*, That whenever said turnpike road is completed, or ten miles of it completed, it shall and may be lawful for said company to erect a toll gate, or toll gates, at such places as said company may deem proper, and demand and receive the following tolls, to wit: Ten cents for every man and horse; for six horse waggons, one dollar and fifty cents; for four horse waggons, one dollar; for three or two horse waggons, seventy-five cents; for stage coach, break waggon, four wheel pleasure carriage, one dollar each; and for gigs, sulkies, and all two wheel vehicles, fifty cents each. No person, who shall live within two miles of said road, and who shall do four days' labor on the same, shall be liable to pay said toll, and if the court of pleas and quarter sessions of Buncombe county shall see proper to allot a portion of the hands liable to work on public roads to work on said road as upon other public roads, then no citizen of said county shall be liable to pay said tolls, provided said court shall not allot less than thirty hands. Toll gates.

SEC. 8. *Be it further enacted*, That the president and directors shall see that said road is kept in good repair from the first of April to the first of December in each year, and if they fail to do this, then they shall be deemed and held guilty of a misdemeanor, and subject to indictment for neglect of duty as overseers of roads are now liable to indictment for neglect of duty. Repairs of road.

SEC. 9. *Be it further enacted*, That, if any person or persons shall, for the purpose of avoiding the payment of the above recited tolls, either break through or go around any of the said toll gates, such person or persons shall be subject to pay Avoiding toll.

five dollars, recoverable before any justice of the peace in the county of Buncombe. [*Ratified the 23d day of February, 1861.*]

Chap. 182. AN ACT ENTITLED AN ACT TO AMEND AN AMENDED ACT TO INCORPORATE THE JONATHAN CREEK AND TENNESSEE MOUNTAIN TURNPIKE COMPANY, PASSED AT THE SESSION OF 1858-'59.

Amendment.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the act passed at the session of 1856 and 1857, and amended by an act passed at the session of 1858 and 1859, shall be so amended that the county of Henderson shall be entitled to receive from the agent of Cherokee bonds the same appropriation in the same manner and with the same limitation that the county of Haywood receives; that is, whenever the company shall receive from individuals two hundred dollars, then the agent shall subscribe two hundred dollars, and so on when the individual subscription is increased, the subscription shall be increased on the part of the State for the completion of the said road in Henderson county.

SEC. 2. *And be it further enacted,* That the stockholders in Henderson county shall have the power to determine the point at which the said road shall intersect the turnpike in Henderson county.

SEC. 3. *And be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

Chap. 183. AN ACT TO INCORPORATE THE STATESVILLE AND TENNESSEE TURNPIKE COMPANY.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That James M. Gentry and E. C. Bartlette of the county of Ashe, Dr. R. F. Hackett and A. B. Carmichael of the county of Wilkes, A. M. Bogle and Alfred

Conson of the county of Alexander, and Anderson Mitchell and C. A. Carlton of the county of Iredell, be, and they are hereby appointed commissioners to open books and receive Shares of stock. subscription of stock in shares of ten dollars each, to the amount of twenty thousand dollars, which sum, together with the amount hereinafter to be appropriated, shall constitute the capital stock of the company, in this act incorporated; and it shall be the duty of the said commissioners to open the books for subscription in Jefferson, Wilkesboro', Taylorsville and Statesville, and at such other places as they may think proper, after giving due notice of the time and place, by public advertisement, twenty days previous, on or before the first day of June next, and at such other times and places thereafter as they shall think proper, until the amount of twenty thousand Amount. dollars shall be taken in the stock of said company, and then the subscriptions thereto shall cease.

SEC. 2. *Be it further enacted*, That any incorporated town, Incorporated towns may subscribe. through its properly constituted authority, shall have power and be allowed to take such amount of the stock hereinbefore mentioned, not exceeding one hundred and fifty shares, as it may choose, the proposition to take such stock being first submitted to the freeholders of any such town by the authorities thereof, in the manner prescribed in the second section of the two hundred and fifty-first chapter of the laws of North Carolina, enacted at the session of 1854-'55. And any county, through which the said road may pass, may subscribe for any amount of such stock as a majority of the voters of any may approve, for which purpose, the courts of pleas and quarter sessions of said counties are hereby authorized to hold an election at the usual time and places of voting for members of the General Assembly.

SEC. 3. *Be it further enacted*, That whenever it shall appear State's subscription. to the governor of this State, by a certificate signed and sealed by the commissioners in this act named, or a majority of them, that the sum of ten thousand dollars has been subscribed and taken by solvent individuals and corporations, the governor is hereby authorized and required to direct the treasurer of the State to subscribe, on behalf of the State, for the stock in said company in this act to be incorporated, to the amount of ten thousand dollars in the capital stock of said company.

General meeting.

President, &c.

SEC. 4. *Be it further enacted*, That when the sum of five thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a general meeting of the stockholders, at the town of Wilkesboro', and if a majority of the stock shall be represented, in person or by proxy, it shall be lawful for the said meeting to appoint a president, treasurer and four directors, one of whom shall reside in the county of Ashe, one in the county of Wilkes, one in the county of Alexander, and one in the county of Iredell, who shall hold their office for one year, and until their successors are appointed. And it shall be the duty of the governor, when the sum of ten thousand dollars shall have been subscribed for and taken on the part of the State, as directed in the third section of this act, to appoint four directors on the part of the State, one of whom shall reside in the county of Ashe, one in the county of Wilkes, one in the county of Alexander, and one in the county of Iredell, and who shall hold their office during the pleasure of the governor. And these directors, together with president, treasurer and directors appointed by the individual and corporate stockholders, when so appointed, and their successors in office, shall constitute a body politic and corporate, under the name and style of the "Statesville and Tennessee Turnpike Company," and by that name may sue and be sued, plead and be impleaded in any of the courts of this State, and as such shall have succession and a common seal, and shall have the right to make all such orders, rules and contracts, and appoint all such agents, and to do all such other acts and things as may be necessary to carry into full effect the objects of the corporation, and shall have all such rights, powers and privileges as the like corporations in this State usually have: *Provided*, That in all elections of officers, after the State shall have become a stockholder, she shall be entitled to vote in proportion to the stock held by her.

Vote of stock.

SEC. 5. *Be it further enacted*, That the number of votes to which any stockholder may be entitled, shall be according to the number of shares he may hold in the proportion following; that is to say, for every one share, and not more than two, one vote; for every two shares, above two and not over ten, one vote; for every five shares above ten, and not above fifty, one vote; and for every ten shares, above fifty, one vote.

SEC. 6. *Be it further enacted*, That the said company have ^{Road.} power, and they are hereby authorized and required to construct a turnpike road from the town of Statesville, in the county of Iredell, to the Tennessee line, at or near where the old road leading from Taylorsville, in Tennessee, to Jefferson, crosses the State line; and the said company shall make the said road at least eighteen feet wide, clear of all obstructions, except where side cutting or blasting rock shall be necessary, and in such places said road shall be at least sixteen feet wide, clear of all obstructions, and the grade of said road shall not at any place be steeper than a rise or fall of one foot in sixteen; and the said company shall construct all such culverts, side and cross ditches, embankments and other works which may be necessary to finish the said road in good order; and the said company shall have a bridge or ferry across the Yadkin river, and across the South Fork of New river, at the places where said road shall cross these streams; and the said company shall have power to construct any other works, bridges or buildings which may be necessary for the construction or keeping in order the said road.

SEC. 7. *Be it further enacted*, That the said company shall ^{Powers of com-} have power to employ an engineer or other suitable person to ^{pany.} survey the route of said road, to ascertain the grade, and, if the company shall direct, to estimate the cost of building said road, in the various regions through which it may pass, according to the provisions of this act.

SEC. 8. *Be it further enacted*, That the said company may ^{Using highway.} carry or construct their said road on or along any public highway, which may be now in existence in any county through which said road may pass, and may appropriate the same to their own use; but the said company shall not obstruct any such public highway until their road shall be in good order for use; and if any damage shall be done to any private property in building said road, or erecting the necessary buildings of said company, and the company cannot agree upon the compensation with the owner of such private property, then any agent, officer or director of said company shall apply to a justice of the peace, who, upon such application, shall order any constable or other lawful officer to summon a justice and three disinterested freeholders, whose duty it shall be to view

the property where the damages are said to be done, and assess the amount of compensation to be paid by the company to the owner of such private property, having regard both to the injury done and the benefit of the road, and if either party shall be dissatisfied with their assessment, they may appeal to the court of pleas and quarter sessions of the county wherein the damage is done.

County courts
to appoint com-
missioners to
examine road.

SEC. 9. *Be it further enacted*, That when the said road shall be completed, the president shall notify the courts of pleas and quarter sessions of the county through which the road passes thereof; and each of the said courts shall forthwith appoint three commissioners, whose duty it shall be to examine so much of said road as lies in their respective counties, and if the said commissioners shall find that the said road is well constructed and completed, according to the requirements of this act, they shall certify the same to the clerk of the court by whom they were appointed; and the said clerk shall forthwith notify the president of the company of such certificate; and, thereupon, the said company shall have power to erect toll gates at such points upon the said road as they may think proper: *Provided*, That such toll gates shall be at least ten miles apart, and the said company shall have power to collect the following tolls, to wit: For every person on horseback, at the rate of one cent per mile; for every one horse wagon, one cent per mile; for every two horse wagon, two cents per mile; for every three horse wagon, two and a half cents per mile; for every four horse wagon, three cents per mile; for every six horse wagon, four cents per mile; for every one horse buggy, two and a half cents per mile; for every two horse buggy, three cents per mile; for every two horse pleasure carriage, four cents per mile; for every sulky, two and a half cents per mile; for every loose horse or mule or ass, led or driven, one-half cent per mile; for every cow beast, one-fourth of one cent per mile; for every hog or sheep, one-third of one cent per mile; and for every animal designed for exhibition, three cents per mile.

Corporate
powers.

SEC. 10. *Be it further enacted*, That when the said turnpike road shall be completed, it shall be a public highway, and all persons shall have the right to use the same upon the payment of the proper tolls; and the said company shall have the

right to prevent any person from traveling over the said road, if they shall refuse to pay the tolls lawfully demanded; and if any person shall, for the purpose of avoiding the payment of toll, break through, or go around any of the toll-gates erected by the company, they shall forfeit and pay to the said company the sum of ten dollars for each and every offence, to be recovered by warrant, in the name of the company, before any justice of the peace in the county in which the offence may be committed.

SEC. 11. *Be it further enacted*, That when any twenty consecutive miles of said road shall be completed, it may be declared completed in the manner prescribed in section ninth of this act, and may be put in operation under the provisions of the ninth and tenth sections of this act.

SEC. 12. *Be it further enacted*, That any person may subscribe for one or more shares of stock in the capital stock of said company, to be paid for in labor upon the construction of said road, under the direction of any agent or officer of the said company, at fifty cents per day; and when any person, so taking stock in the capital stock of said company, shall have worked out the same as directed, such person shall receive from the proper officers of the company a permission for himself and family to travel over the said road free of toll for ten years, and the stock of such person thereafter be transferred to the State upon the books of said company.

SEC. 13. *Be it further enacted*, That when one-half the amount subscribed by individuals and corporations shall be paid to the treasurer of the company, then one-half the amount subscribed by the State shall be paid, and when the remaining half subscribed by individuals and corporations shall be paid, then the remaining half subscribed on behalf of the State shall be paid; and if any person or corporation (as well those whose subscriptions are to be paid in labor as others) shall refuse or fail to pay their subscriptions, as demanded by the said company, the same may be recovered, by an action of debt or assumpsit, in the name of the company.

SEC. 14. *Be it further enacted*, That if the company shall fail to keep the said road in good repair, they shall be deemed guilty of a misdemeanor.

County sub-
scriptions.

SEC. 15. *Be it further enacted*, That the subscription of any county to the capital stock of said company, under the provisions of this act, shall be expended in the construction of the said road in the county making such subscription.

Construction to
commence in
two years.

SEC. 16. *Be it further enacted*, That the construction of the said road shall be commenced within two years from the ratification of this act, and the corporate existence of the said company, with all the rights, powers and privileges herein granted to them, shall continue thirty years.

SEC. 17. *Be it further enacted*, That the construction of the said road may be commenced at such several points as the company shall direct.

Toll.

SEC. 18. *Be it further enacted*, That nothing in this act contained shall be construed to prevent the said company from reducing the rates of toll upon the said road, if the interest of said company may be thereby promoted, or to prohibit the said company from making contracts, by the year, with mail contractors or others at reduced rates.

SEC. 19. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day of February, 1861.*]

Chap. 184. AN ACT TO INCORPORATE THE SALEM AND THOMASVILLE TURNPIKE COMPANY.

Incorporated.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Thomas T. Wilson, A. J. Stafford, E. A. Vogler, Jesse Shelley, D. W. C. Johnson, D. Lofton, and their co-subscribers and successors in office, their successors and assigns, be, and they are hereby declared to [be] incorporated into a company, under the name and style of "The Salem and Thomasville Turnpike Company," for the purpose of constructing a turnpike road from the town of Salem, in the county of Forsythe, upon the most practicable route to the town of Thomasville, in Davidson county; thence to the Silver Valley and Jackson Hill, and a branch road from Silver Valley to "Baltimore and Montgomery Mines," in Montgomery

county, with a capital stock of six thousand dollars, with the ^{Capital stock.} privilege of increasing it to ten thousand dollars, in shares of twenty dollars each.

SEC. 2. *Be it further enacted*, That under that name said ^{Books to be opened.} persons may open books in the town of Salem and in Thomasville, or in any other place they may think proper, and keep them open until a sufficient amount shall be subscribed; and said corporation may sue and be sued, plead and be impleaded, and have a common seal, and exist for the space of sixty years.

SEC. 3. *Be it further enacted*, That the stockholders shall ^{Board.} at their first annual meeting, and at every annual meeting thereafter, elect a board of not less than three directors, which directors shall choose a president, who shall continue in office until their next annual meeting, and until their successors shall be elected, and the board may supply a vacancy in their body.

SEC. 4. *Be it further enacted*, That in all other things the said company shall be governed in accordance with the provisions of the act for the government of turnpike and plank road companies, and shall have all the necessary and usual privileges of making by-laws for their government, condemning lands, collecting tolls, regulating bonds of their officers, representation by proxies, &c.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

AN ACT TO INCORPORATE THE DOVER AND TRENTON TURNPIKE *Chap. 185.*
AND PLANK ROAD COMPANY.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Commissioners.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That Edward R. Stanly and George Green, of the town of Newbern, George W. Charlton, George West, Enoch Lane and Needham Busby and Robt. Brock, of Craven, John Shackelford, John H. Neathercut, Adonijah McDaniel, Farnifold McDaniel, James McDaniel, Daniel Perry, Eli W. Perry, Enoch Noble, David Green, Macon Foseur,

Location of
road.

Books to be
opened.

General meet-
ing.

Corporate
name.

President, &c.

Farnifold Simmons, Jacob F. Scott, Amos L. Simmons, T. T. Gooding, Joseph Smith, Benjamin Askew, Charles Gerack and Alexander Watson, of Jones county, be, and they are hereby appointed commissioners for receiving subscriptions for the purpose of laying out and making a turnpike and plank road from the Atlantic and North Carolina Railroad to Trenton, in Jones county, beginning at a point on the Atlantic and North Carolina Railroad, two hundred yards below the fifty-six mile post leading from Morehead City to Goldsborough, at a point known as Savage's Shanty; and from thence a route to be designated hereafter by the president and directors of the company to the town of Trenton, in Jones county, or to some point near said town, to be fixed by the president and directors. And the said commissioners, or a majority of them, shall cause books to be opened at such times and places, and under the direction of themselves or such other persons as they may appoint; and the same shall continue open for two months, unless the sum of three thousand dollars shall be subscribed before that time, at which time the said books shall be returned to said commissioners at Newbern, in the county of Craven, who shall by public notice in one or more newspapers, appoint a general meeting of stockholders personally or by proxy, which meeting may continue until the business shall be finished; and if in the opinion of the stockholders in such general meeting assembled, a sufficient sum shall have been subscribed to make said road, or any part thereof, desired by those owning a majority of the stock so subscribed, said subscribers may organize themselves into a company and accept this charter, when they, their heirs or assigns, shall constitute a body politic and corporate, under the name and style of the "Dover and Trenton Turnpike and Plank Road Company," and as such may sue and be sued, plead and be impleaded, and have perpetual succession, and a common seal, and all other rights necessary for the objects of the company; and such of the subscribers as may be present at the said meeting, or those representing a majority of the stock, shall have power to elect a president and four directors for conducting the business of the company for one year, and until others are elected, and enter upon the duties assigned them by the company; and every proprietor of stock, by writ-

ing under his hand, may depute any other stockholder to vote for him at any general meeting, and the vote of such proxy shall be as effective to all intents and purposes, as if the proprietor were personally present and voting for himself.

SEC. 2. *Be it further enacted*, That after the organization of the company, as prescribed in the first section of this act, the president and directors thereof, in case they deem it necessary and proper, may, and they are hereby authorized to appoint commissioners to re-open books at such times and places as they may and shall direct, and keep the same open until the requisite amount to finish the road may be subscribed, which books shall be returned to the president and directors of said company, and the persons so subscribing, their heirs and assigns, shall become stockholders in said company to the amount so subscribed by them as such, entitled to all the rights and privileges conferred by this act on the original subscribers. Books for further subscriptions.

SEC. 3. *Be it further enacted*, That the capital stock aforesaid shall be divided into shares of twenty-five dollars each, and any person may subscribe for one or more shares; the shares shall be paid at such time and places, and by such instalments as the president and directors shall direct, they first giving public notice twenty days; and if any person holding any share in said company shall fail to pay the instalments as called for in pursuance of this act, the company may sue for and recover the same in any tribunal having jurisdiction thereof, or they may expose to sale the shares which such delinquent may hold by giving ten days' public notice of the same. Shares.

SEC. 4. *Be it further enacted*, That the president and directors, or a majority of them, on the behalf of the corporation, have power and authority to contract for the construction, improving and repairing said road; and the said president and directors may appoint such managers as they may deem necessary; and when five miles of either end of the road shall be completed, a toll-gatherer or toll-gatherers may also be appointed, who must give bond and security for the faithful performance of their several duties, and be removed at pleasure. Contracts.

SEC. 5. *Be it further enacted*, That at every semi-annual meeting, an equal dividend of all the nett profits arising from Dividends.

the tolls shall be ordered to be made to the proprietors of said company, in proportion to their several shares, which nett profit shall not exceed twenty five per cent.

Votes.

SEC. 6. *Be it further enacted*, That in all meetings of the proprietors, each stockholder shall be entitled to one vote for each share owned by him in said company.

Duration of
charter.

SEC. 7. *Be it further enacted*, That as a compensation to said stockholders for the expenditures made under this act, the profits of said road are invested in them, their executors and assigns, for the period of ninety-nine years, to be computed from the erection of the first toll-gate, in proportion to the respective shares; and it shall and may be lawful for the president and directors during the said term to demand and receive, at some convenient toll-gates to be by them erected, such tolls as they prescribe: *Provided*, The tolls so collected do not exceed in annual profits the sum aforesaid; and the agent of the company, under the direction of the company, may refuse a passage along said road and through the said gates, until the toll required by said company shall be paid; and if any person shall pass said gates without paying the toll, the company may sue [for] the same before any tribunal having cognizance of the same.

Toll gates.

Width of road.

SEC. 8. *Be it further enacted*, That said road shall not be less than fifteen feet wide, and may be twenty-five feet wide, at the discretion of the president and directors, who shall be appointed to locate and manage the same.

Public high-
way.

SEC. 9. *Be it further enacted*, That said road shall be taken and considered a public highway, free for the passage of persons, animals and carriages of every description, on the payment of tolls authorized by this act.

Right of way.

SEC. 10. *Be it further enacted*, That the president and directors may agree with the owners of any land over which said road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be *feme covert*, under age, or *non compos*, or out of the State, on application to any two justices of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county to summon a jury of twelve freeholders to meet on the lands to be valued on a day expressed in said warrant, not less than ten nor more than twenty days thereafter; and the sheriff, on the

receipt of said warrant, shall summon the jury, and when met, shall administer an oath or affirmation—*provided*, six or more appear—that they will impartially value the land in question, and consider the damages the owner thereof may sustain in consequence of being divested of his property therein, and that he will not in his valuation spare any person through favor, nor injure any one through malice and hatred; and the inquisition so taken shall be issued by the sheriff and six or more jurors, and returned to the clerk of the county court of said county to be recorded; and in all such cases the jury is hereby directed to describe the lands valued, and such valuation shall be conclusive; and the president and directors shall pay the sum to the owner of the land valued, or their representatives; and if neither can be found in the State, or if found, shall refuse to receive the money, then the clerk of the county court; and on payment thereof, the said corporation shall be seized in fee of the land so valued: *Provided*, no such condemnation shall authorize said company to appropriate any house, yard or garden of any person without the consent of the owners.

SEC. 11. *Be it further enacted*, The president and directors may agree with the proprietors for a quantity of land, not exceeding four acres at any one place, at or near each place intended for the collection of tolls, for the purpose of erecting the necessary buildings; and in case of disagreement, the same proceedings may be had, and the same conveyance shall follow, as prescribed in the preceding section.

SEC. 12. *Be it further enacted*, That any stockholder may transfer his stock, by a deed registered in the company's books, after due proof of its execution, and not otherwise, except by will; which shall also be proved and registered in the books of the company before the person claiming under the will shall be entitled to any part of the profits: *Provided*, That no transfer shall be made except for one or more whole shares; and that no share shall at any time be sold, conveyed, transferred or held in trust for the use and benefit of another, whereby the said president and directors, or stockholders, members of said company or any of them, shall be made to answer any such trust; but that every such person appearing to be the owner of stock shall, as to others of the company, be to every intent and purpose taken absolutely as such; but between the trustees and

Land for buildings.

Transfer of stock.

the person for whose benefit such trust shall be executed, the common remedy may be pursued.

SEC. 13. *Be it further enacted*, That if at a general meeting of said company, held for the election of officers, directors and managers of said company, a majority of stock shall not be represented, then and in that case the president and directors then in office shall continue therein until a majority of the stockholders so constituted can be had.

SEC. 14. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23d day of February, 1861.*]

Chap. 186. AN ACT TO INCORPORATE THE WILMINGTON AND WRIGHTSVILLE TURNPIKE COMPANY.

Books to be opened.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Wilmington, under the direction of Edward P. Hall, Thomas H. Wright, John A. Sanders, William H. Lipsett, George Harriss, Richard H. Grant and William A. Wright, or any two of them, for the purpose of securing subscriptions to an amount not exceeding thirty thousand dollars, in shares of fifty dollars each, for the purpose of constructing a road from the town of Wilmington, or from some point on the road of the Wilmington and Topsail Sound Plank Road company, to some point at or near Wrightsville Sound, in the county of New Hanover.

Capital stock.

Body corporate.

SEC. 2. When the sum of one thousand dollars shall be subscribed for on the book, to be opened as aforesaid, the subscribers, their executors, administrators and assigns, shall, and are hereby declared to be incorporated, by the name of "The Wilmington and Wrightsville Turnpike Company," and as such corporation shall have perpetual succession, and enjoy all the rights and powers, and be subject to all the penalties and liabilities set forth in chapter 26, entitled "Corporations," of the Revised Code of North Carolina; and enjoy all the rights, powers and privileges, and be subject to all the provisions of chapter 61, entitled "Internal Improvement," of said Revised

Code, so far as the same is applicable to corporations created for the construction of turnpike roads.

SEC. 3. It shall be lawful for the directors of said corpora-^{Tolls.} tion to demand and receive by such agent as they may appoint, such reasonable tolls as they may determine, from all persons using the road to be constructed, or any part thereof; and if any person or persons shall use said road, or any part thereof, without paying the toll due for the portion of said road so used by him, after the same has been demanded, every such person, if white, or a free person of color, shall pay a fine of five dollars, to be recovered in the name and for the use of said corporation, by warrant before any justice of the peace for the county of New Hanover; and if such person be a slave, shall receive such punishment by whipping as shall be adjudged by any justice of the peace for said county, under a warrant to be issued in the name of such corporation against such slave: *Provided, however,* such whipping shall in no case exceed twenty-five lashes.

SEC. 4. If any person shall wilfully or maliciously injure, or ^{Injury to road.} in any manner damage or obstruct said road, or any toll-gate, bridge, or other property of such corporation, or shall counsel, advise, aid or assist any person so to do, such person or persons so offending shall be liable to indictment therefor in the county or superior courts of the county of New Hanover, and on conviction, shall be fined or imprisoned at the discretion of the court in which such conviction shall take place. [*Ratified the — day of February, 1861.*]

AN ACT TO AMEND AN ACT PASSED AT THE SESSION OF 1850-'51, *Chap. 187.*

AMENDATORY OF AN ACT ENTITLED AN ACT TO INCORPORATE THE M'DOWELL AND YANCEY TURNPIKE, PASSED AT THE SESSION OF 1848 AND '49.

SECTION 1. *Be it enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same,* ^{\$3,000 appropri-} That in addition to the subscription already made on the part of the State to the McDowell and Yancey Turnpike road, that the Internal Improvement board are hereby authorized, in the manner provided by section third of said act of 1850 and '51,

to make an additional subscription on behalf of the State of three thousand dollars to said road.

Governor to appoint commissioners.

SEC. 2. *Be it further enacted*, That the governor shall appoint three commissioners on the part of the State, who, with two others to be appointed by the said company, shall constitute the board of directors of the same. [*Ratified the 19th day of February, 1861.*]

MISCELLANEOUS.

Chap. 188. AN ACT TO AUTHORIZE CERTAIN PERSONS IN THE COUNTY OF WAKE TO SEND THEIR CHILDREN TO A COMMON SCHOOL IN THE COUNTY OF GRANVILLE.

Authority given.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it may and shall be lawful for Allen Baily and Wm. C. Mangum, of common school district No. 57, in the county [of] Wake, to send to the school in district No. 47, in the county of Granville: *Provided*, That the children of the said Baily and Mangum shall be numbered in the county of Wake.

Division of school fund.

SEC. 2. *Be it further enacted*, That the said Allen Baily and Wm. C. Mangum shall annually report in writing the number and names of their children over six and under twenty-one years of age to the board of superintendents of common schools of Wake county, at the time and under the penalty prescribed for the reporting of the number and names of the children in the various districts in the State by the committees thereof. And the said board of superintendents, when dividing the school fund of the county among the districts, shall consider the families of the said Baily and Mangum as constituting a separate district.

Reports.

SEC. 3. *Be it further enacted*, That at the end of the schools in district No. 47, in Granville county, the said Baily and Mangum shall make reports of the same to the chairman of the board of superintendents of Wake county, in the manner that other reports from schools are made, and shall be authorized to accompany said reports with a draft on the said chair-

man of Wake county for any sums in his hands due to them as a separate district, and in favor of the teachers of said school in district No. 47, in the county of Granville.

SEC. 4. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 23rd day of February, 1861.*]

AN ACT TO AUTHORIZE THE SALE OF THE OLD JAIL, IN THE *Chap.* 189.
COUNTY OF WILKES.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That C. J. Cowles, S. J. Jennings and E. M. Wellborn, of the county of Wilkes, be, and they are hereby appointed commissioners to sell the old jail of Wilkes county, and the lot of land on which it is situated in the town of Wilkesboro'. Authorizes
sale.

SEC. 2. *Be it further enacted*, That the aforesaid commissioners, or a majority of them, are hereby directed and required to advertise the sale of the aforesaid property, at the court-house door in Wilkesboro', and three other public places in the county, for at least thirty days previous to the sale, and that they sell the property aforesaid at the court-house door in Wilkesboro' publicly, giving a credit of six months; and that the commissioners aforesaid be required to take bond and good security, made payable to them as commissioners; and that they may sell the old jail and the lot on which it stands, either together or separately, as they may think best, and when the purchase money shall fall due, the said commissioners shall proceed to collect the same and pay it over to the county treasurer of Wilkes county, to be by him applied to the use of said county. And upon the payment of the purchase money aforesaid, it shall be the duty of said commissioners to make title to the property herein directed to be sold, as aforesaid. Sale to be ad-
vertised.

SEC. 3. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the — day of February, 1861.*]

Chap. 190. AN ACT TO REPEAL AN ACT PASSED AT THE SESSION OF 1858-'9, ENTITLED "AN ACT TO LIMIT THE POWERS OF DIFFERENT CONSTABLES IN CHEROKEE AND ROBBERSON COUNTIES TO THE DISTRICTS TO WHICH THEY ARE ELECTED."

Repealing
clause.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited act as relates to the counties of Cherokee and Roberson be, and the same is hereby repealed.

SEC. 2. *Be it further enacted,* That this act take effect and be in force from and after its ratification. [*Ratified the 26th day of January, 1861.*]

Chap. 191. AN ACT TO INCORPORATE THE GREENSBORO' HOTEL COMPANY.

Body corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That David McKnight, Peter Adams, W. J. M. Connel, E. P. Jones, Joab Hiat, C. G. Yates, D. P. Weir, C. P. Mendenhall, Jesse H. Lindsay, and such other persons as are now with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of the "Greensboro' Hotel Company," and by that name they, and their successors, for thirty years, may [have] a common seal, and shall be capable of suing and being sued, pleading and being impleaded in all the courts of this State and the United States, and may hold, possess, acquire and enjoy real and personal estate, and shall exist for thirty years.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital stock of said company shall not exceed one hundred thousand dollars, divided into shares of fifty dollars each, and shall be declared personal estate.

Officers, &c.

SEC. 3. *Be it further enacted,* That said company shall have power and authority to make rules and by-laws for its good government, to provide for the appointment of the directors, president and other officers of said company, the mode of

transfer and representation of its stock, the penalties and forfeitures to be imposed on delinquent subscribers, the manner and time in which stock forfeited may be sold, and the mode of transferring the same, and all other matters and things necessary for the proper management and conduct of said company.

SEC. 4. *Be it further enacted*, That this act shall be in [force] from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO PROVIDE FOR TAKING THE LIST OF TAXABLES IN *Chap. 192.*
OREGON DISTRICT, BEAUFORT COUNTY.

Be it enacted by the General Assembly of the State of ^{Court to appoint officers.} *North Carolina, and it is hereby enacted by the authority of the same*, That the county court of Beaufort county be, and are hereby authorized to appoint a justice of the peace to take the list of taxables in Oregon district of Beaufort county; also, to appoint a district board of assessors to value the lands in said district under the same regulations as they are now empowered to appoint them for the various captain's districts of said county. [*Ratified the 26th day of January, 1861.*]

AN ACT TO INCORPORATE WARREN LODGE, NO. 101 A. Y. M. *Chap. 193.*

Be it enacted by the General Assembly of the State of ^{Body politic.} *North Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who are at present, or in future may be of Warren Lodge, No. 101 of Free and Accepted Masons, in the town of Kenansville, county of Duplin, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "Warren Lodge, No. 101 of Free and Accepted Masons;" and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of said Lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government which may not be inconsistent with the constitution and laws of the State or of the United States.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 20th day February, 1861.*]

Chap. 194. AN ACT FOR THE APPOINTMENT OF AN ADDITIONAL INSPECTOR OF FLOUR, PROVISIONS AND FORAGE IN THE TOWN OF WILMINGTON.

An additional inspector to be appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the court of pleas and quarter sessions for New Hanover, at the first term after the passage of this act, may, in their discretion, appoint one inspector of flour, provisions and forage, in addition to the two by them already appointed to serve until the March term, A. D. 1862, of said court, and to perform the same duties, receive the same fees, and be subject to the same rules, regulations and restrictions, in his said office, as the said two inspectors are now by law bound to perform and receive, and be regulated and governed by and under the act or acts of Assembly authorizing the appointment of said inspectors of flour, provisions and forage in said town of Wilmington, prescribing the duties, regulating their fees, and controlling and sustaining them, in all regards, in their said office.

Future appointments.

SEC. 2. *Be it further enacted*, That the said court may, in like manner, at the said March term, A. D. 1862, of said court, and at the time fixed, to wit: their March term every two years thereafter, appoint three inspectors of flour, provisions and forage for said town, instead of two, as heretofore, and under the same rules, regulations and restrictions as have been heretofore prescribed in the appointment of the said two inspectors.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 10th day of December, 1860.*]

AN ACT TO INCORPORATE THE INDEPENDENT ORDER OF ODD *Chap. 195.*
FELLOWS, SWANNANOA LODGE, NO. 56, AT ASHVILLE, IN THE
COUNTY OF BUNCOMBE.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Samuel G. Keer, E. J. Aston, J.
L. Henry, John Hilderbrand, Daniel Stevenson, and their as-
sociates, who are members of Swannanoa Lodge, No. 56, at
Ashville, in the county of Buncombe, of Independent Order
of Odd Fellows, be, and they are hereby incorporated into a
body politic and corporate, under the name and style of
“Swannanoa Lodge, No. 56, Independent Order of Odd Fel-
lows,” and by that name may have perpetual succession and
a common seal which may be altered at pleasure, sue and be
sued, plead and be impleaded in any court of record, or before
any justice of the peace in this State, contract and be con-
tracted with, acquire, hold and dispose of personal property
for the purposes and benefit of said Lodge, and for such library
as it may see proper to establish, and also such real property
as may be required for the convenient transaction of the busi-
ness of the same.

SEC. 2. *Be it further enacted,* That said corporation shall By-laws.
have power to pass all necessary by-laws and regulations for
its government and government of any library it may see
proper to establish: *Provided,* Such by-laws and regulations
may not be inconsistent with the constitution and laws of this
State or of the United States.

SEC. 3. *Be it further enacted,* That this act shall be in
force and take effect from and after its ratification. [*Ratified*
the 19th day of February, 1861.]

AN ACT TO INCORPORATE “GREEN HILL CEMETERY,” IN THE *Chap. 196.*
COUNTY OF BUNCOMBE.

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Nicholas W. Woodfin, William John-
ston, Jas. A. Patton, Bacchus J. Smith, Branch H. Merriman,

Jephtha M. Israel, Robert B. Vance, Alfred B. Churn, and such other persons as may associate themselves with them for the purpose hereinafter mentioned, be, and they are hereby made a body politic and corporate, by the name and style of "Green Hill Cemetery," and by that name may sue and be sued, plead and be impleaded in all the courts of this State, contract and be contracted with, and may have a common seal.

Powers.

SEC. 2. *Be it further enacted*, That said corporation may acquire, take and hold a lot or tract of land, containing not more than twenty-five acres, for the purpose of establishing a burial-ground at or near the town of Ashville, in the county of Buncombe, and may sell or otherwise dispose of the same, or any part thereof, to be used exclusively as a cemetery, or place for the burial of the dead; and all moneys received for or on account of the sale of lots in the said cemetery, shall first be applied by said corporation to the payment of the purchase money of the land which it may acquire, and the residue thereof shall be expended in improving and embellishing such land, and in such other way and for such other purposes as said corporation may deem expedient; and said corporation may acquire such personal property as may be necessary to effectuate the purpose contemplated by this act.

Property exempt from taxation.

SEC. 3. *Be it further enacted*, That the real estate of said corporation, and the lots or plots, when conveyed by said corporation to individual proprietors, shall be exempt from assessment and taxation, and not liable to be sold under any execution, or to be applied to the payment of debts by assignment under any insolvent law.

Injury to property.

SEC. 4. *Be it further enacted*, That if any person shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument or grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work for the protection or ornament of said cemetery, or of any tomb, monument or structure aforesaid, or of any cemetery lot within the cemetery aforesaid, or shall wilfully destroy, cut, break or impair any tree, shrub or plant within the limits of said cemetery, such person so offending shall be deemed and held guilty of a misdemeanor, and upon conviction thereof, shall be fined or imprisoned at the discretion of the court, and shall be moreover liable in an action of trespass which may be brought in the

Penalty.

name of said corporation for such damages by such unlawful act.

SEC. 5. *Be it further enacted*, That the land which said ^{Title to land} corporation is by this act authorized to acquire, shall, when dedicated to that purpose, remain forever dedicated to the purpose of a cemetery, and any lot or lots therein conveyed by said corporation may be so conveyed that upon such conveyance, or after there shall have been an interment therein, the said corporation may have authority to extend interments therein to such person or persons, or class of persons, as may be designated and prescribed in the conveyance under which said lot or lots shall be taken and held.

SEC. 6. *Be it further enacted*, That said corporation may ^{Conveyance of lots.} prescribe the form of conveyance for any lot or lots in said cemetery, and how the same shall be executed, and shall have full power to make all such by-laws and regulations as may be necessary to conduct the affairs of said corporation, and to improve and embellish said cemetery: *Provided*, The same be not inconsistent with the constitution and laws of this State and United States.

SEC. 7. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 19th day of February, 1861.*]

AN ACT TO INCORPORATE KILWINNING LODGE, NO. 64, A. Y. M., *Chap. 197.*
IN THE TOWN OF WADESBORO', COUNTY OF ANSON.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Body politic.} *State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who are at present, or in future may be of Kilwinning Lodge, No. 64, of Ancient York Masons, in the town of Wadesboro', county of Anson, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "Kilwinning Lodge, No. 64, Ancient York Masons," and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this State, contract and be contracted with, acquire, hold and dispose of personal property for the benefit of

said lodge, and also such real estate as may be required for the convenient transaction of its business.

By-laws.

SEC. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its government which may not conflict with the constitution and laws of this State, or of the United States.

SEC. 3. *Be it further enacted*, That this act shall be in force and take effect from and after the ratification thereof. [*Ratified the 18th day of February, 1861.*]

Chap. 198. AN ACT FOR THE RELIEF OF EVANS FERGUSON AND BEN SMITH.

Preamble.

Whereas, His Excellency Governor Ellis did, two or three weeks ago, issue his proclamation, offering a reward of four hundred dollars for the arrest and delivery to the sheriff of Northampton county of one Ephraim, a slave, charged with the murder of one Lucius Woodruff: *And whereas*, Evans Ferguson and Ben Smith, free persons of color, did arrest said Ephraim, and him safely keep till many citizens of said county took possession of him: *And whereas*, The governor is not authorized to pay to said Ferguson and Smith the reward aforesaid, because they failed to deliver said slave to the sheriff aforesaid: Therefore—

Governor authorized to pay reward.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the governor be, and is hereby authorized and instructed to pay unto the said Ferguson and Smith four hundred dollars out of any money in the treasury not otherwise appropriated. [*Ratified the 18th day of February, 1861.*]

Chap. 199. AN ACT TO AUTHORIZE DANIEL P. JOHNSON AND AMBROSE SUTZ TO ESTABLISH A TOLL BRIDGE ON THE CATAWBA RIVER.

Authority given.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Daniel P. Johnson, of Burke county, and Ambrose Sutz, of the county of Caldwell, their heirs, devisees and assigns, be, and they are hereby authorized and

empowered to erect and keep up a toll bridge across the Catawba river, at such point on said river as they may select as being most eligible and suitable to effect a direct communication between the town of Lenoir, in Caldwell county, and Icard station, on the Western North Carolina Railroad, in Burke county; and ask, demand and receive the following tolls, to wit: For every pleasure carriage, fifty cents; for every two-horse buggy, forty cents; for every one-horse buggy, twenty-five cents; for every five or six-horse wagon, seventy-five cents; for every four-horse wagon, fifty cents; for every three-horse wagon, forty cents; for every two-horse wagon, thirty cents; for man and horse, ten cents; for every one-horse wagon, twenty-five cents; for every cart, twenty cents; for every person on foot, five cents; for every loose horse and mule, five cents each; for every hog or sheep, two cents; for every cow, three cents; and for every animal on foot intended for exhibition, twenty-five cents.

SEC. 2. *Be it further enacted*, That every person who shall cross said bridge and refuse to pay the toll prescribed in this act shall, in addition to the toll for which he is liable, forfeit and pay the sum of five dollars, to be recovered before any justice of the peace by the owner or owners of said bridge. Refusing to pay toll.

SEC. 3. *Be it further enacted*, That from and after said bridge shall be opened as a toll bridge, it shall be deemed and held to be a public highway, and the owner or owners thereof shall, on failure to keep the same in good and sufficient repair, so that the public can cross it with convenience and safety, be subject to indictment, in the same manner that overseers of public highways now are. Public highway.

SEC. 4. *Be it further enacted*, That the county courts of Burke county, and of Caldwell county, upon the petition of the said Daniel P. Johnson and Ambrose Sutz, shall respectively appoint three disinterested freeholders in their respective counties, to view the banks of said river where the said bridge is to be located; and the freeholders appointed by Burke county court shall lay off to the use of said petitions [petitioners] one half acre of land on the side or bank of said river which is in Burke county, and assess the value thereof, and make report thereof to the county court next succeeding; and upon said petitioners paying to the owners the value of said land so Land to be laid off.

assessed, with all cost incurred in said county courts respectively [by] reason of their said petition, then the said courts respectively shall confirm the report of said commissioners, and condemn the aforesaid half acre of land on either bank of said river to the use of said petitioners: *Provided, however,* That nothing herein contained shall prevent the owner or owners of said land from taking an appeal from said judgment, as in other cases of appeal.

SEC. 5. *Be it further enacted,* That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

Chap. 200. AN ACT FOR THE RELIEF OF DANIEL DAUGHTERTRY.

Preamble.

Whereas, Daniel Daughtertry, of the county of Craven, lately intermarried with Jane L. Davis, also of said county, and at the time of said marriage the father of said Jane L. was not living; and it being ascertained subsequent to said marriage, that at the time of the celebration thereof, said Jane L. was not quite of the age of fifteen years, the said Daniel being thereby subject to all the pains, penalties, disabilities and forfeitures according to the act of Assembly in such cases provided; and it appearing that said marriage took place with the full and free consent of the mother and all the immediate family of said Jane L., and that the same is an eligible match, and the said feme covert possesses but a small estate, consisting principally of lands, and that her interest will be greatly promoted by releasing her said husband of the pains, penalties, disabilities and forfeitures aforesaid:

Relieved from operation of Rev. Code, chap. 68, sec's 10 and 11.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That said Daniel Daughtertry be, and he is hereby relieved, discharged and exempt from all the pains, penalties, forfeitures and disabilities under the provisions of the act of Assembly, Revised Code, chapter 68, sections 10 and 11, incurred by reason of his marriage with said Jane L. before she was of the age of fifteen years; and that the said Daniel have and enjoy all the rights, legal and equitable, as husband of

said Jane L., as he would have done had said marriage been solemnized after the said Jane L. had arrived at the age of fifteen years.

SEC. 2. *Be it further enacted*, That this act be in force from and after its ratification. [*Ratified the 31st day of January, 1861.*]

AN ACT TO AMEND THE REVISED CODE.

Chap. 201.

SECTION 1. *Be it enacted by the General Assembly of the* Amendment.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That the first clause of the thirty-second section of the sixty-sixth chapter of the Revised Code be amended, by striking out, in the second line of said section, the words, "shall levy a tax," and inserting the words, "may, if they think proper, levy a tax," instead: *Provided*, That this act shall not apply to any county in the State, except the counties of Ashe and Alleghany.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

AN ACT TO INCORPORATE THE "GREENSBORO' CEMETERY COM- Chap. 202.
PANY."

SECTION 1. *Be it enacted by the General Assembly of the* Body politic.
State of North Carolina, and it is hereby enacted by the au-
thority of the same, That Jesse H. Lindsey, Peter Adams, Andrew Weatherby, James Sloan, Richard Sterling, D. P. Wier, David McKnight, N. H. D. Wilson, C. G. Yeates, W. J. McConnell, C. P. Mendenhall, or any five of them, and their successors, and all persons who may hereafter be associated with them, be, and they are hereby created a body politic and corporate in law, under the name and style of the "Greensboro' Cemetery Company," and shall be subject to all the rules and regulations contained in the Revised Code, chapter twenty-six, so far as they are applicable to such a

corporation, and not inconsistent with the provisions of this act.

Property ex-
empt from
execution and
taxation.

SEC. 2. *Be it further enacted*, That the property of the said company, and the interest of each corporator therein, shall be exempt from execution, and shall not be subject to the payment of any taxes whatever; and that the rights and interests of the several corporators shall not pass into the hands of personal representatives, but, in the event of death, shall remain in the families of each, according to the course of descent.

SEC. 3. *Be it further enacted*, That no street, lanes, roads or alleys shall, at any time, be made or established over the lands of said company, or any part thereof, without its consent, nor shall the same be condemned or taken in any manner for any public use without such consent.

SEC. 4. *Be it further enacted*, That said company shall hold no more real estate than may be necessary for cemetery purposes and the transportation [transaction] of its business. [*Ratified the 22d day of February, 1861.*]

Chap. 203. AN ACT TO PREVENT THE SALE OF SPIRITUOUS LIQUORS WITHIN TWO MILES OF REYNOLDSON INSTITUTE, IN THE COUNTY OF GATES, AND SPRINGHILL ACADEMY, IN ROBESON COUNTY.

Sale prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons are hereby prohibited from selling spirituous liquors within two miles of Reynoldson Institute, in the county of Gates, and Springhill Academy, in Robeson county, on pain of forfeiting twenty-five dollars for each and every violation of this act, to be recovered by warrant before any justice of the peace of said county; one-half to the use of the person suing for the same, the other half to the use of the said institute, to be applied as the trustees may direct; and shall also be subject to indictment, and, on conviction, shall be fined not less than ten, nor more than fifty dollars.

Penalty.

SEC. 2. *Be it further enacted*, That no license to retail

spirituous liquors at the site, or within two miles of said institute, shall be granted, and, if granted, shall be void.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 22d day of February, 1861.*]

AN ACT TO INCORPORATE THE "ASHVILLE WATER COMPANY," Chap. 204.
IN THE COUNTY OF BUNCOMBE.

SECTION 1. *Be it enacted by the General Assembly of the* Body corporate. *State of North Carolina, and it is hereby enacted by the authority of the same*, That W. D. Rankin, M. Patten, J. F. E. Hardy, E. J. Aston, M. M. Gains, and other persons who may unite with them to convey water to the town of Ashville and supply the same with water, and with a view to avail themselves of the provisions of this act, shall and may become a body corporate and politic, under the name and style of the "Ashville Water Company," and as such shall have continual succession, sue and be sued, plead and be impleaded, contract and be contracted with, and have a common seal. Said corporation may acquire lands and personal property necessary to effectuate the said purpose, not exceeding in value fifteen thousand dollars. The corporation shall be deemed to be constituted and formed so soon as the said persons, and such others as may associate themselves with them, shall assemble in general meeting and organize, by electing a resident [president], treasurer and five directors.

SEC. 2. *Be it further enacted*, That members of said cor- Powers. poration shall have full power to divide the capital of the same into shares; to make all necessary by-laws and regulations for its government and good regulation, not inconsistent with the constitution and laws of this State and the United States.

SEC. 3. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

Chap. 205. AN ACT TO INCORPORATE THE WILMINGTON WATER WORKS COMPANY.

Body politic.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Edward Ridder, Silas N. Martin, Joseph H. Flanner, Francis W. Potter, London, and all other persons who may associate with them in [in] the manner prescribed, shall be a corporation and body politic, by the name of the "Wilmington Water Works Company," and they are hereby invested with all the privileges, rights and powers confined [conferred] upon bodies corporate and politic, by the 26th chapter of the Revised Code.

Capital stock.

SEC. 2. *Be it further enacted,* That the capital of said company shall consist of thirty thousand dollars, with the power to increase the same to sixty thousand dollars, to be divided into shares of fifty dollars each, and said company shall continue in existence thirty [30] years.

Powers.

SEC. 3. *Be it further enacted,* That said corporation shall have power to erect all such houses, tanks, hydrants, pumps and other fixtures in the town of Wilmington and its vicinity, necessary or convenient for the purposes of supplying the town of Wilmington or any part thereof with water, to lay pipes or other conductors for conveying water through, upon, over or under any or all of the streets, alleys or public lots or squares of the town of Wilmington, and also, from time to time, repair, re-construct, maintain and preserve all such works, fixtures, pipes, machines and other property held by them, as shall be necessary for conducting the business of said company.

Damage to property.

SEC. 4. *Be it further enacted,* That if any person or persons shall negligently or wilfully, by any means whatsoever, injure or destroy any conduit pipe, cock, machine, building or structure of any kind whatsoever, or anything appertaining to the works of said company, the person so offending shall forfeit and pay to said company double the amount of damage sustained by such injury, and the same may be recovered by any court of record in New Hanover county, and shall moreover be subject to indictment in said county, and upon conviction shall be fined or imprisoned at the discretion of the court.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 18th day of February, 1861.*]

AN ACT TO INCORPORATE "THE BUNCOMBE POWDER MANUFACTURING COMPANY," LOCATED IN BUNCOMBE COUNTY. *Chap. 206.*

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Nicholas W. Woodfin, William F. McKenan and — Crockford be, and they are hereby appointed commissioners, with power and authority to open books and receive subscriptions to the amount of fifteen thousand dollars, which shall constitute the capital stock of the company hereby incorporated for the purpose of the manufacture of powder. Commissioners appointed.

SEC. 2. *Be it further enacted*, That the said capital stock shall be divided into shares of one hundred dollars each, and as soon as two thousand dollars shall be subscribed, it shall be the duty of said commissioners, or any one of them, to notify the stockholders, by advertisement, to attend at such time and place as may be designated; and if a majority of the shares subscribed shall be represented at such meeting, then it shall be lawful for the stockholders to appoint a president, treasurer and five directors for the term of one year, and until the next general meeting of the stockholders, and the president and directors, when so appointed, and their successors in office, shall constitute a body corporate and politic in law, by the name and style of "The Buncombe Powder Manufacturing Company," and may sue and be sued, pleaded and be impleaded, and as such shall have a corporate existence for thirty years, shall have a common seal, and have all other and necessary powers incident to corporate companies, which may be necessary to effectuate the object had in view by this act. Shares of stock. Appointment of officers.

SEC. 3. *Be it further enacted*, That said company, at a general meeting of the stockholders, in pursuance of the provisions of the last section of this act, shall fix upon such regulations, in reference to the payment of the stock subscribed and the representation of the same, as they may deem proper, Regulations as to payment of stock.

and they shall have power to make all necessary by-laws and regulations, for the government of said company, not inconsistent with the constitution of this State and the United States.

SEC. 4. *Be it further enacted*, That this act shall be in force and take effect from and after its ratification. [*Ratified the 23d day of February, 1861.*]

Chap. 207. AN ACT CONCERNING THE MANAGEMENT OF THE POOR IN THE COUNTY OF FORSYTHE.

Sale or delivery
of spirits pro-
hibited.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person to sell or deliver to any pauper residing at the poor-house of the county of Forsythe, any spirituous liquors, or liquor of which spirituous liquor may be a chief ingredient, without permission in writing from the overseer or keeper of the poor-house aforesaid for the time being.

Penalty.

SEC. 2. *Be it further enacted*, That any person offending against the provisions of this act shall forfeit and pay the sum of five dollars, one-half to the overseer or keeper of the poor-house aforesaid, for the use of the poor, and the other half to him who will sue for the same.

How recovered.

SEC. 3. *Be it further enacted*, That all penalties accruing under this act shall and may be recovered by warrant before any justice of the peace for the county of Forsythe. [*Ratified the 22d day of February, 1861.*]

Chap. 208. AN ACT TO INCORPORATE THE ALBEMARLE STEAM PACKET COMPANY.

Body corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Edward Wood, John H. Leary, Richard Paxton, Henry A. Bond, John Thompson, John Bond, Joseph Norcom, Thomas W. Hudgins, Robert R. Felton, Peter F. White, John M. Jones, Joseph S. Jones, John Hall, John T. Mebane, James M. Sumner, Benjamin S. Skinner, John

Skinner, James M. Whedbee, Hiram Freeman, John A. Anderson, James L. Anderson, Jackson B. Hare, Daniel Valentine, R. H. Shields and such other persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of "The Albemarle Steam Packet Company," and by that Powers. name shall be in law capable of suing and being sued, pleading and being impleaded, shall have a common seal, and be invested with all the rights and privileges, and be subject to all the regulations and restrictions contained in the 26th chapter of the Revised Code, so far as the same are applicable to such a corporation, and are not inconsistent with the provisions of this act.

SEC. 2. *Be it further enacted*, That the capital stock of Capital stock said company shall consist of sixty thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, divided into shares of one thousand dollars each.

SEC. 3. *Be it further enacted*, That the said company Powers. may, in addition to the steamboat now in course of construction, build such other steamers as the wants of the company may require from time to time, employ them in conveying passengers and freight in any of the waters of North Carolina and Virginia, as may appear expedient for the interest and well being of the company.

SEC. 4. *Be it further enacted*, That the said company shall Powers. have power to hold, possess, acquire and enjoy such real and personal estate as may be necessary for the transaction of its business, and from time to time to make all necessary rules, regulations and by-laws for the government and direction of the concerns thereof, not inconsistent with the constitution and by-laws of the State and of the United States, and said company shall have corporate existence for thirty years.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 25th day of February, 1861.*]

RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA.
1860-'61.

A RESOLUTION FOR THE RELIEF OF THE SECURITIES OF C. GRIGG.

Refunds \$100.

Resolved, That the chairman of the board of superintendents of common schools for the county of Cleaveland be authorized and required to refund to G. Dickson, E. Rippy, A. R. Homesley, J. F. Stephens, Martin Rippy, Wm. McSwain and J. Carroll, securities of C. Grigg, late sheriff of said county, the sum of one hundred dollars, it being a forfeiture by the said sheriff for failing to pay over to said chairman the school tax due for the year one thousand and eight hundred and fifty-seven, which sum was paid by his securities. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF JOSIAH COLLINS.

Refunds over-
paid taxes.

Resolved, That the public treasurer be, and he is hereby authorized and required to pay to Josiah Collins, agent for Thos. P. Devereux, H. R. Burgwin and T. P. Burgwin, (out of any money in the treasury not otherwise appropriated,) thirteen dollars, for taxes overpaid for the years 1857, 1858 and 1859. [*Ratified the 22d day of February, 1861.*]

RESOLUTION IN FAVOR OF P. A. SMITH, ADMINISTRATOR OF THE ESTATE OF M. M. PLUNKETT, DEC'D.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That P. A. Smith, administrator of the estate of M. M. Plunkett, dec'd, late sheriff of Cabarrus county, be authorized and empowered to collect arrearages of taxes due said Plunkett: *Provided,* No person shall be required to pay any arrearages of tax who is willing to make oath or affirmation, or offer other satisfactory proof before any magistrate, that said tax has been paid: *And provided further,* That the privilege herein granted shall only extend to taxes due within three years next before this act shall go into effect.

Authorized to collect arrears.

SEC. 2. *Be it further enacted,* That this act shall be in force for six months next ensuing from and after its ratification. [*Ratified the 22d day of February, 1861.*]

A RESOLUTION IN FAVOR OF R. R. HEATH, GEORGE HOWARD, R. M. SAUNDERS AND W. A. JENKINS.

Resolved, That the public treasurer be, and he is hereby authorized and directed to pay to Hon. R. R. Heath, Hon. George Howard and Hon. R. M. Saunders, judges of the superior court, the sum of ninety dollars each, for holding courts of oyer and terminer respectively in the counties of Currituck, Northampton and Caswell; and to W. A. Jenkins, attorney general, fifty dollars, for services in the court of oyer and terminer in Northampton county. [*Ratified the 23d day of February, 1861.*]

Pay for extra courts.

RESOLUTION IN FAVOR OF DANIEL TUCKER.

WHEREAS, It has been certified to the present General Assembly, by the county court of Lincoln county, that Daniel Tucker, a resident of said county, is an old, infirm and indigent militia-man, who was in the militia service of the State in

Allowance of \$40.

the war of 1812, and that he is incapable of procuring subsistence for himself and family: Therefore,

Resolved, That the public treasurer pay to said Daniel Tucker, of Lincoln county, the sum of forty dollars, as an allowance for himself and family for one year. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF D. W. COURTS, PUBLIC TREASURER.

\$500 allowed.

Resolved, That D. W. Courts, Esq., be allowed to retain five hundred dollars, out of any money in his hands, as compensation for negotiating a loan of \$251,350 in specie, on behalf of the literary fund in 1859. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF THE ESTATE OF GEORGE CROFTON.

To pay \$60.

Resolved, That the public treasurer be, and he is hereby authorized and directed to pay to George H. Crofton, administrator of George Crofton, dec'd, late of Bladen county, the sum of sixty-nine dollars (\$69), amount overpaid by the said administrator's intestate as taxes, July 1, 1859, under a misapprehension of the revised law. [*Ratified the 25th day of February, 1861.*]

RESOLUTION IN FAVOR OF L. N. B. BATTLE, ESQ.

Pays \$11 60.

Resolved, That the public treasurer be, and he is hereby authorized and required to pay to L. N. B. Battle, executor of Wm. L. Battle, dec'd, the sum of eleven dollars and sixty-nine cents (\$11 69), being amount of State tax overpaid by him. [*Ratified the 22d day of February, 1861.*]

A RESOLUTION IN FAVOR OF CLARK BIRD.

Resolved, That the secretary of State be directed to issue a grant to Clark Bird, of the county of Macon, for a tract of land, known as section number eleven in district number seventeen of said county: *Provided*, That the said Clark Bird shall, within the year 1861, produce a statement from the agent of the State for the collection of Cherokee bonds, showing that his bonds, with approved security, are on file in the office of said agent for the amount heretofore fixed by law as the price of the said tract of land. *[Ratified the 23d day of February, 1861.]*

Issues grant of land.

RESOLUTION IN FAVOR OF JESSE M'GEE, OF HAYWOOD COUNTY.

Resolved, That the agent for the State for the collection of Cherokee bonds be authorized and required to pay Jesse McGee, of Haywood county, twenty-five dollars, upon satisfactory proof that he has overpaid that amount into that office, and that the agent of the State be allowed that amount in the settlement of his accounts with the State. *[Ratified the 22d day of February, 1861.]*

Refunds.

RESOLUTION IN FAVOR OF PRINCIPAL AND ASSISTANT CLERKS OF THE SENATE AND HOUSE OF COMMONS.

Resolved, That the public treasurer be, and he is hereby authorized to pay to the principal clerk of the Senate and the principal clerk of the House of Commons, one hundred and fifty dollars extra of what is now allowed by law for copying and preparing for the press the journals, and that they be allowed sixty days for the completion of the same.

\$150 each allowed.

Resolved, That the public treasurer be, and he is hereby authorized to pay the assistant clerk of the Senate and to the assistant clerk of the House of Commons one hundred dollars for their services. *[Ratified the 20th day of February, 1861.]*

\$100 each allowed.

RESOLUTION CONCERNING THE DISTRIBUTION OF THE REVISED CODE.

Return of justices to be made.

SECTION 1. *Resolved*, That on or before the first day of July next, the secretary of State be, and he is hereby directed to write a circular letter to the clerks of county courts in each and every county of this State, requesting said clerks to inform him, under their seal of office, of names of the acting justices of the peace in their respective counties who have qualified since the passage of this resolution; also the names of those that are acting, who may have qualified since the act of 1858 and 1859, who may not have been furnished with a copy of the Revised Code, as well as those appointed at this session, and qualified before the rendition of the list hereby required to be made.

Report to governor.

SEC. 2. *Resolved, further*, That the secretary of State be required to lay the said information, when obtained, before the governor, whose duty it shall be to forward one copy of the Revised Code to each and every of the said justices whose names are submitted by said clerks.

Residue.

SEC. 3. *Resolved, further*, That it shall be the duty of the governor, after having completed the distribution of the Revised Code as aforesaid, to have all the remaining copies deposited in such manner and at such places as will best secure their safe keeping: *Provided, nevertheless*, That it shall still be the duty of the governor to cause sale to be made of the Code not hereby ordered to be distributed, as has been heretofore provided for by law. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF WM. THOMPSON.

Pays \$17.

Resolved, That the public treasurer be, and he is hereby authorized to pay to Wm. Thompson the sum of seventeen (\$17) dollars. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF E. P. STILLWELL, OF JACKSON COUNTY.

Resolved, That the secretary of State be authorized and requested to issue a grant to Ephraim P. Stillwell for a tract of land lying and being in the county of Jackson, district No. 8, and tract No. 138, when the said Stillwell shall produce, before the secretary of State, the certificate of Stephen Munday, agent of the State for the sale of certain lands in the year 1853, that he had purchased said land, and when he shall further produce the bonds for the purchase money which were given for said land. *[Ratified the 23d day of February, 1861.]* Grant of land issued.

RESOLUTION IN FAVOR OF JOHN L. CANTWELL.

Resolved, That his excellency the Governor, John W. Ellis, be authorized to draw upon the public treasurer for the sum of twenty dollars, to be paid to Col. John L. Cantwell, for executing special military orders. *[Ratified the 23d day of February, 1861.]* Pays \$20.

RESOLUTION IN FAVOR OF JAMES C. LUTER.

Be it Resolved, That the public treasurer be authorized to pay to James C. Luter, of the county of Orange, twenty-five dollars, for an overcharge of taxes in 1858, and that the public treasurer be allowed the same in his settlement. *[Ratified the 25th day of February, 1861.]* Refunds.

RESOLUTION IN FAVOR OF HENRY BAGBY.

Resolved, That the public treasurer of the State be authorized to pay to Henry Bagby the sum of fifty dollars, it being for tax paid to the sheriff of Orange which he was not bound by law to pay. *[Ratified the 25th day of February, 1861.]* Refunds.

RESOLUTION IN FAVOR OF CALVIN BISHOP.

Refunds.

Resolved, That the public treasurer be, and he is hereby authorized and required to pay Calvin Bishop the sum of twenty-five dollars, being amount of State tax over paid by him. [*Ratified the 22d day of February, 1861.*]

RESOLUTION IN FAVOR OF THE DOORKEEPERS.

Allows \$50 each.

Resolved, That the public treasurer be, and he is hereby authorized to pay to the principal and assistant doorkeepers of both houses of the General Assembly, fifty dollars each, as extra compensation as doorkeepers aforesaid. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF QUENT BUSBEE AND OTHERS.

Pays \$250.

Resolved, That the public treasurer pay to Quent Busbee, for professional services and expenses in investigating under the appointment of the governor and council the financial condition of the Albemarle and Chesapeake Canal Company, and amount of work done, &c., on that improvement, the sum of two hundred and fifty dollars.

Resolved, That the public treasurer pay B. F. Moore, Esq., for professional services, three hundred dollars. [*Ratified the 25th day of February, 1861.*]

RESOLUTION IN FAVOR OF THOMAS DIGGS, OF ANSON COUNTY.

Refunds.

Resolved, by the General Assembly of North Carolina, That the public treasurer be instructed to pay to the order of Thos. Diggs, of Anson county, the sum of fifty-six dollars and one cent, (\$56 $\frac{1}{100}$) amount of taxes overpaid by him for the year 1859. [*Ratified the 26th day of January, 1861.*]

RESOLUTION IN FAVOR OF S. M. RAY.

Resolved, That B. M. Gardner, one of the sureties of S. M. Ray, late sheriff of Yancey county, be, and he is hereby authorized and empowered to collect all arrears of taxes due the said S. M. Ray, late sheriff as aforesaid, for the years 1858 and 1859, and that said collections shall be for the benefit of all the sureties for the said years: *Provided*, That nothing herein contained shall apply to any person who will voluntarily swear that he or she has paid his or her taxes for said years, or to administrators or executors. *[Ratified the 18th day of February, 1861.]*

RESOLUTION IN FAVOR OF JOHN PATE.

Resolved, That the public treasurer pay to John Pate three dollars and eighty-six cents out of any moneys in the treasury not otherwise appropriated, the same being an overcharge in taxes. *[Ratified the 18th of February, 1861.]*

RESOLUTION IN FAVOR OF JAMES H. MOORE.

Resolved, That the public treasurer be, and is hereby authorized and required to pay to J. H. Moore ten dollars out of any moneys in the treasury not otherwise appropriated. *[Ratified the 23d day of February, 1861.]*

RESOLUTION IN FAVOR OF ED. YARBOROUGH.

Resolved, That the public treasurer be authorized to pay to Edward Yarborough one hundred and nine dollars. *[Ratified the — day of January, 1861.]*

RESOLUTION CONCERNING THE TWO DOORS OF THE GALLERY,
AND THE DOOR OF THE HALL.

Appropriation. *Resolved*, That the door-keeper be instructed to have green baize screens put to the two doors of the gallery of this house, and to repair the screen at the door of the hall, and that the expenses be paid by the treasurer. [*Ratified the 26th day of January, 1861.*]

RESOLUTION IN FAVOR OF W. L. POMEROY.

Pays \$275. *Resolved*, That the treasurer of the State be authorized to pay W. L. Pomeroy the sum of two hundred and seventy-five dollars for stationery furnished to the legislature: *Provided*, on examination, the same is correct. [*Ratified the 23d day of February, 1861.*]

RESOLUTION IN FAVOR OF THE SURETIES OF W. W. WARD, LATE
SHERIFF OF MARTIN COUNTY.

Remits penalty. *Resolved*, That the public treasurer be, and he is hereby authorized and required to release to the sureties of W. W. Ward, late sheriff of Martin county, (against whom judgment is now pending in the superior court of Wake county,) the sum of one thousand dollars, the penalty imposed for failure of said Ward to make his return according to the same, to be released when the said sureties shall have paid the amount of taxes due the State by said Ward, and all costs for obtaining judgment for the same.

Resolved, further, That the provisions of this resolution shall extend to the sureties of James E. Exum, sheriff of Greene county. [*Ratified the 20th day of February, 1861.*]

RESOLUTION IN FAVOR OF W. W. WATSON.

Pays \$10 25. *Resolved*, That the public treasurer be directed to pay to W. W. Watson ten dollars and $\frac{25}{100}$ for carpeting and repairing

hall doors, &c., as per annexed account; and the [that] he be allowed the same in the settlement of his account:

RALEIGH, Nov. 3d, 1860.

Legislature of North Carolina,

To W. W. Watson,

Dr.

To laying carpet in library in Com. Hall, -	\$ 1 50	
To tacking green baize on two tables, - -	95	
Dec. 4. Laying carpet in library in Senate Chamber, - - - - -	1 50	
To tacking green baize on two doors, 75c.,	1 50	
To " " " on two vestibules,		
\$1 75, - - - - -	3 50	
To " " " on two doors in		
Com. Hall, - - - - -	1 50	
		\$ 10 25

[*Ratified the — day of February, 1861.*]

RESOLUTION IN FAVOR OF JASPER PRITCHETT.

Resolved, That the secretary of State be, and he is hereby Amends grant. authorized and instructed to amend a grant issued to Jasper Pritchett, of Buncombe county, on the eighth day of December, one thousand eight hundred and thirty-six, number 3,458, so as to conform to the plat attached thereto, as will more fully appear of record in the secretary's office, and that the said Jasper Pritchett or his assigns be permitted, upon the alteration of the said grant, to have the same registered in the register's office of Buncombe county. [*Ratified the 20th day of February, 1861.*]

RESOLUTION IN FAVOR OF DANIEL WILLIS AND DAVID LEWIS.

Resolved, That the public treasurer be, and is hereby in- Remits penalty. structed to pay Daniel Willis and David Lewis, sureties of John S. Willis, late sheriff of Bladen county, the sum of one thousand dollars, collected from them as a penalty for the

failure of the said John S. Willis, sheriff as aforesaid, to settle his taxes in the year 1859. [*Ratified the 11th day of February, 1861.*]

RESOLUTION IN FAVOR OF J. L. WARD, OF POLK.

Refunds.

Resolved, That the public treasurer be authorized and required to pay out of any money in the treasury not otherwise appropriated, to J. L. Ward, sheriff of Polk county, one hundred and thirty-six dollars and sixty-one cents, being the amount overpaid by him in his settlement of the State taxes for the year 1859. [*Ratified the 20th day of February, 1861.*]

RESOLUTION IN FAVOR OF GRAY BRYAN.

Refunds.

Resolved, That the treasurer of the State pay Gray Bryan nine $\frac{22}{100}$ dollars, which was overpaid by him in the settlement of his taxes. [*Ratified the 20th day of February, 1861.*]

RESOLUTION IN FAVOR OF JONAS JINKENS, OF JACKSON COUNTY.

Amends grant.

Resolved, That the Secretary of State be, and is hereby authorized and instructed to amend a grant issued to Jonas Jinkens, of Jackson county, on 28th day of December, 1854, No. 1,682, so as to conform to the plat attached thereto, as will more fully appear of record in the secretary's office, and that the said Jonas Jinkens be permitted, upon the alteration of the said grant, to have the same registered in the register's office of Jackson county. [*Ratified the 18th day of February, 1861.*]

RESOLUTION IN FAVOR OF THE SURETIES OF G. H. HOLLAND,
LATE SHERIFF OF HAYWOOD COUNTY.

Resolved, That the sureties of G. H. Holland, late sheriff of Haywood county be authorized to collect any arrearages of taxes due him: *Provided*, Nothing herein contained shall be construed to extend to any person who will voluntarily swear that they have paid the same. [*Ratified the 19th day of February, 1861.*] Authority to collect arrears.

RESOLUTION IN FAVOR OF WILLIAM PEACE, &C.

Resolved, That the public treasurer be, and he is hereby authorized and directed to pay to William Peace fifteen hundred dollars for losses sustained by buildings on Burke square, in the city of Raleigh: *Provided*, That before the said sum is paid over by the treasurer, the said William Peace shall convey to the State of North Carolina by deed, to be approved by the treasurer, all his title and interest in said buildings situate on Burke square. [*Ratified the 20th day of February, 1861.*] Pays \$1,500.

RESOLUTION IN FAVOR OF JAMES S. IVES, OF THE TOWN OF
NEWBERNE.

Resolved, That the public treasurer be, and he is hereby instructed to refund to James S. Ives, of the town of Newberne, the sum of fifty dollars, it being a forfeiture incurred for not enlisting his store in the said town in the year 1859. [*Ratified the 18th day of February, 1861.*] Refunds.

RESOLUTION IN FAVOR OF M. C. NORMAN, OF YADKIN COUNTY.

Resolved, That the treasurer pay to M. C. Norman, of Yadkin county, the sum of seven dollars and thirty-four cents, (\$7 34), an excess of taxes paid by him in the year 1857. [*Ratified the day — of February, 1861.*] Refunds.

RESOLUTION IN FAVOR OF LEAH COLEMAN.

Grant to be
issued.

Resolved, That Leah Coleman be authorized to file her bonds, with approved security, in four equal annual instalments, with the agent of the State for the sum heretofore fixed by law as the price of tract No. 137, in district No. 3, Cherokee county lands; and if said bond shall be paid when they become due, the secretary of State is hereby directed to issue a grant to the said Leah Coleman for the above named tract of land. [*Ratified the 31st day of January, 1861.*]

RESOLUTION IN FAVOR OF D. C. LILLY.

Refunds.

Resolved, That the State treasurer pay to John A. Lilly, as guardian of the minor heirs of D. C. Lilly, twenty-one dollars and twenty-four cents, on account of this amount paid by him into the State treasury by mistake in his taxes for the year 1855. [*Ratified the 31st day of January, 1861.*]

RESOLUTION IN FAVOR OF THE SECURITIES OF GEORGE W. GLASS.

Remits for-
feiture.

Whereas, it appears that George W. Glass, former sheriff of McDowell county, fled from the State without paying the taxes due the State from said county for the year 1858-'9: *And whereas*, Alberta Higgins, Elijah Morris and others, the securities to the bond of said George W. Glass, paid, as doth appear, the full amount of taxes due and unpaid by the said George W. Glass, and also paid the sum of one thousand dollars, the forfeiture incurred by said George W. Glass for failing to settle the taxes due as aforesaid: Therefore,

Resolved, That the public treasurer be authorized, and is hereby required so to do, to pay to said Alberta Higgins, Elijah Morris and others, the securities, the sum of one thousand dollars, the amount of the forfeiture incurred by the said George W. Glass, sheriff. [*Ratified the 21st day of December, 1860.*]

RESOLUTION IN FAVOR OF COOPER PRINCE AND JOHN H. HARWOOD.

Resolved, That the secretary of State be, and he is hereby ^{Corrects grant.} authorized to correct the name of John H. Harwood in a grant of land issued to him, and that the surveyor for Cherokee county be directed to re-survey tract No. 193, in the 4th district of said county, correcting the calls in the original survey; whereupon the secretary of State shall cancel the grant heretofore issued to Cooper Prince for said tract, and issue a grant to him conforming to the survey. [*Ratified the 31st day of January, 1861.*]

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE, }
April, 1861. }

I, RUFUS H. PAGE, Secretary of State in and for the State of North Carolina, do certify that the Acts and Resolutions contained in this Pamphlet are true copies of the original Acts and Resolutions passed by the General Assembly of this State, at the session of 1860-'61.

RUFUS H. PAGE, *Secretary of State.*

PRIVATE LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE

GENERAL ASSEMBLY,

AT ITS

FIRST EXTRA SESSION, 1861.

RALEIGH:

JOHN SPELMAN, PRINTER TO THE STATE.

1861.



PRIVATE LAWS
OF
NORTH-CAROLINA,
FIRST EXTRA SESSION,
1861.

MISCELLANEOUS.

AN ACT TO EXTEND THE CHARTER OF THE BANK OF THE STATE *Chap. 19.*
OF NORTH CAROLINA FOR CERTAIN PURPOSES.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the corporate powers, privileges and liabilities conferred and imposed on the Bank of the State of North Carolina by the act passed in the year 1833-'4, entitled "An act to establish a bank in the State of North Carolina," and by an act passed at the same session supplemental thereto, and also by an act passed at the session of 1834-'5, to amend the same, be, and the same are hereby continued and extended until the first day of January, 1865, so far as the same may be necessary for the purpose of enabling said bank to settle and close their concerns, of prosecuting and defending suits by and against them, of disposing of, conveying their property, and of dividing their capital stock, and no further. ^{Powers of the act of 1833-'4 extended.}
[*Ratified the 11th day of May, 1861.*]

Chap. 20. AN ACT TO REPEAL AN ACT APPROPRIATING TWO THOUSAND FIVE HUNDRED DOLLARS FOR LIGHTING AND HEATING THE CAPITOL.

Repeals act.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the act passed at the regular session of this General Assembly appropriating two thousand five hundred dollars for lighting and heating the capitol, be, and the same is hereby repealed. [Ratified the 9th day of May, 1861.]

Chap. 21. AN ACT TO REPEAL AN ACT, PASSED AT THE SESSION 1860-61, ENTITLED AN ACT TO APPOINT A TAX COLLECTOR FOR THE COUNTIES OF WAYNE, HAYWOOD, &C., AS TO CERTAIN COUNTIES, AND AMEND THE SAME.

Repeals act as to certain counties.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That so much of an act, entitled an act to appoint a tax collector for the counties of Wayne, Haywood, &c., at the session 1860-'61, as applies to the counties of Chatham, Orange, Iredell, Davidson, Union, Robeson, Surry, Anson and Watauga, be, and the same is hereby repealed, and the sheriffs of these counties shall have the same power and authority to collect all taxes and be under the same obligations in respect thereto as if the said act had never passed.*

Tax collectors.

SEC. 2. *Be it further enacted, That all tax collectors, appointed or to be appointed by virtue of the said act, or by virtue of another act, passed at the same session, extending the provisions of said act to other counties, shall have the same power and authority to collect all taxes, of every description, which sheriffs had before the said act was passed.*

Justices may appoint tax collectors.

SEC. 3. *Be it further enacted, That the justices of the county courts of the counties of Greene and Hertford, may appoint a tax collector for said counties, at the next county court, to serve until the regular time prescribed for the appointment in said act, and that all appointment of tax collectors, heretofore made under the authority of said act, whether made*

at the first or second term of the county court, after the first day of January, 1861, be, and the same are hereby confirmed.

SEC. 4. *Be it further enacted*, That an act, passed at the session 1858-'59, authorizing the appointment of a tax collector for the county of Robeson, be, and the same is hereby repealed.

SEC. 5. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO ESTABLISH A *Chap. 22.*
NEW COUNTY BY THE NAME OF MITCHELL.

SECTION 1. *Be it enacted by the General Assembly of the* County line. *State of North Carolina, and it is hereby enacted by the authority of the same*, That an act passed at the late session of the General Assembly, entitled an act to lay off and establish a new county by the name of Mitchell, be so amended as to run from the top of the Grand Father Mountain, with the old Watauga line, to the Blue Ridge; thence with the said Yancey line, and according to said act, around to the beginning.

SEC. 2. *Be it further enacted*, That this act shall be in force from and after its ratification. [*Ratified the 11th day of May, 1861.*]

AN ACT TO ALTER THE NAME OF THE NORTHAMPTON GUARDS. *Chap. 23.*

Be it enacted by the General Assembly of the State of North Amendment. *Carolina, and it is hereby enacted by the authority of the same*, That an act passed at the late session of the General Assembly, entitled an act to incorporate the "Northampton Home Guards," be, and the same is hereby altered and amended by striking out the word "home" in the name of the company in the said act mentioned, so that the name of said company shall be as follows, to wit: "The Northampton Guards. [*Ratified the 9th day of May, 1861.*]

Chap. 24. AN ACT TO AMEND THE CHARTER OF THE CITY OF RALEIGH AND OTHER CITIES AND TOWNS.

Preamble.

Whereas, The exigencies of the times demand that the commissioners of the city of Raleigh should be authorized to make additional appropriations: *And whereas*, The now existing power of taxation is insufficient to carry out such purposes: Therefore—

Power to increase taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the city of Raleigh, and the incorporated authorities of all the cities and towns in this State, may, in the manner prescribed in the charters thereof, annually lay, levy and collect taxes on the subjects by said charters taxable, to an amount not exceeding double the maximum limit therein authorized: *Provided*, That the tax on goods, wares and merchandise shall not exceed twenty-five cents on every hundred dollars' value.

Proviso.

May provide for families of soldiers.

SEC. 2. That said commissioners may, in their discretion, pending hostilities provide for the needy families of the citizens of said cities and towns engaged in the active military or naval service of this State, or of the government of which this State is a part, or of any such citizen, or his family wounded or disabled in said service. [*Ratified the 7th day of May, 1861.*]

RESOLUTIONS
OF A PRIVATE NATURE, PASSED BY THE
GENERAL ASSEMBLY
OF
NORTH-CAROLINA,
AT ITS
FIRST EXTRA SESSION,
1861.

RESOLUTION IN FAVOR OF THE DOORKEEPERS OF THE SENATE
AND HOUSE OF COMMONS.

Resolved, That the public treasurer pay to the principal and assistant doorkeepers the sum of ten dollars each for extra services for servant hire. *[Ratified the 13th day of May, 1861.]* Allows \$10 each.

RESOLUTION IN FAVOR OF W. H. AND R. S. TUCKER.

Resolved, That the public treasurer pay W. H. & R. S. Tucker fifty-nine dollars and twenty-nine cents for sundry articles purchased by the doorkeepers for the use of the last Legislature, and that he be allowed the same in the settlement of his accounts. *[Ratified the 11th day of May, 1861.]* To pay \$59.29.

RESOLUTION IN FAVOR OF JOHN C. PALMER.

Resolved, That the public treasurer be, and he is hereby authorized and required to pay to John C. Palmer the sum of ten dollars, amount of the accompanying account. *[Ratified the 11th day of May, 1861.]* To pay \$10.

RESOLUTION IN FAVOR OF HENRY J. BROWN AND OTHERS.

Pays \$16.

Resolved, That the public treasurer pay Henry J. Brown sixteen dollars and fifty cents, Strother & Marcum sixteen dollars for one committee desk, and for printing blanks; also, W. W. Crowder four dollars and eighty-five cents, for bible and testament. [*Ratified the 11th day of May, 1861.*]

RESOLUTION IN FAVOR OF H. D. TURNER.

Pays \$26.15.

Resolved, That the public treasurer be, and he is hereby authorized and directed to pay to H. D. Turner twenty-six dollars and $\frac{15}{100}$, amount of above account, and that he be allowed the same in the settlement of his account. [*Ratified the 10th day of May, 1861.*]

RESOLUTION IN FAVOR OF COL. B. LEECRAFT.

Pays \$36.09.

Resolved, by the General Assembly, That the treasurer be authorized to pay to Col. Benjamin Leecraft the sum of eighty-six $\frac{9}{100}$ dollars, money expended by him for the support of the troops in Fort Macon before the said fort was ordered to be taken by the Governor. [*Ratified the 10th day of May, 1861.*]

RESOLUTION AUTHORIZING THE TREASURER TO PAY EDWARD YARBROUGH TEN DOLLARS.

Pays \$16.

Resolved, That the treasurer of the State be, and is hereby authorized to pay Edward Yarbrough ten dollars out of any moneys in the treasury otherwise unappropriated. [*Ratified the 9th day of May, 1861.*]

RESOLUTION TO PAY COMMISSIONERS TO PEACE CONFERENCE AT
WASHINGTON AND MONTGOMERY, ALABAMA.

Resolved, That the public treasurer pay to Thomas Ruffin, Compensation to commissioners. Sr., D. M. Barringer, David S. Reid, George Davis and John M. Morehead six dollars per day each for every day employed in going to, attendance on and returning from the peace convention or conference held in the city of Washington, D. C., in February last, and that the same per diem be paid to David L. Swain, M. W. Ransom and J. L. Bridges, as commissioners sent to the Southern Confederate States, assembled at Montgomery, Alabama, in February last, and that the same mileage be allowed to all that is allowed to members of this General Assembly. [*Ratified the 8th day of May, 1861.*]

RESOLUTION CONCERNING THE REGIMENT OF VOLUNTEERS NEAR
RALEIGH.

Resolved, That the regiment of volunteers now encamped near the city of Raleigh be, and it is hereby authorized to Authorizes to elect field officers. elect its field officers at the place where the troops are now encamped, and that any law to the contrary, so far as it may affect this regiment, and no further, is repealed.

Be it further Resolved, That said troops be at once inspected and mustered into the service of the State for the period of Troops to be mustered into service. twelve months, and that the commander-in-chief shall have full power to order said troops into the service of the Confederate States, or the States of Virginia or Maryland, for the term of their enlistment: *Provided*, That these resolutions shall be read to the several companies by the captains thereof, Resolutions to be read to troops. and the term and nature of the service required of the troops aforesaid shall be explained to the men before they are mustered into service, and that no volunteer who has heretofore volunteered shall be required to be mustered into service unless he distinctly expresses his willingness, by signing the muster roll of his company, to serve beyond the limits of the State, as provided in this resolution. [*Ratified the 10th day of May, 1861.*]

A JOINT RESOLUTION PROVIDING FOR SPECIAL MESSENGERS FOR
THE EXECUTIVE DEPARTMENT.

Special messenger appointed.

Resolved, That the Governor of the State be, and he is hereby authorized to send a special messenger, with copies of the act calling a convention of the State, to such counties as he may think proper, and that the expenses of such messengers be paid out of any money in the public treasury not otherwise appropriated. [*Ratified the 1st day of May, 1861.*]

STATE OF NORTH CAROLINA,
OFFICE OF SECRETARY OF STATE, }
June, 1861.

I, RUFUS H. PAGE, Secretary of State, in and for the State of North Carolina, do certify that the Acts and Resolutions contained in this Pamphlet are true copies of the original Acts and Resolutions passed by the General Assembly of this State, at its first Extra Session of 1861.

RUFUS H. PAGE, *Secretary of State.*









